

TEXAS HOUSE OF REPRESENTATIVES
82ND LEGISLATURE
SELECT COMMITTEE ON VOTER IDENTIFICATION
AND VOTER FRAUD HEARING
MARCH 1, 2011

(VOLUME I of II)

Transcribed by Amy C. Kofron CSR
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CHAIRMAN BONNEN: Okay. We have a quorum, so we'll begin. I'd like to welcome everyone here to the hearing today. The committee will use the following procedures today to insure an effective and productive hearing that respects the time and efforts of those wishing to testify. Invited witnesses, which I believe there are ten of, five from each side of the issue, will be allowed to provide an opening presentation and will be limited to ten minutes and then stand before the committee to answer any questions that committee members may have.

Citizens wishing to testify in the public portion of the hearing will be limited to three minutes of testimony, with additional time, of course, for the members of the committee to question these witnesses. The committee has invited three witnesses to participate through Skype, which is a software application that allows audio and video between two parties. This is an interesting way that the three expert witnesses, at the request of Vice Chairman Veasey, to allow them to testify if they get their witness affirmations and things in.

We will now lay out Senate Bill 14. Then we'll have Representative Harless lay out and explain her substitutes. So Representative Harless' office has made copies available to the public in the back of the room. There should be copies of the committee substitute by Representative Harless on Senate Bill 14. All testimony before the committee will be on



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Representative Harless' committee substitute to Senate Bill 14.
Okay. We left a member off on the roll call, so the clerk would
like to re-call the roll.

THE CLERK: Bonnen?

MR. BONNEN: Here.

THE CLERK: Veasey? Hilderbran? Hochberg?

MR. HOCHBERG: Here.

THE CLERK: Pena?

MR. PENA: Here.

THE CLERK: Taylor? Gutierrez? Harless?

MS. HARLESS: Here.

THE CLERK: Aliseda?

MR. ALISEDA: Here.

CHAIRMAN BONNEN: Okay. Thank you. There is
still a quorum. Okay. So the Chair lays out Senate Bill 14 by
Senator Fraser. Representative Harless offers up a committee
substitute to Senate Bill 14, and the chair recognizes her to
explain her substitute.

MS. HARLESS: Would you prefer me to do it here?

CHAIRMAN BONNEN: It's wherever you're most
comfortable.

MS. HARLESS: Okay. I'll just do it here.

Senate Bill 14 House Committee Substitute
Highlights: This bill requires voters to show a photo ID. It
has exceptions of people 70 and older as of January 1st, 2012,



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1 and they may continue to vote with their voter's registration
2 card, indigent voters, voters with religious objections to being
3 photographed, and voters who show proof of Social Security
4 disability or 50 percent disabled vets. The acceptable photo
5 IDs include cards issued by the DPS, most will be driver's
6 license or ID cards no more than 60 days expired, military IDs
7 that are no more than 60 days expired, a passport that is no
8 more than 60 days expired, citizen certificate with photograph,
9 concealed handgun license that are no more than 60 days expired.

10 The changes in the Committee Substitute, the
11 disability exemption has been tightened. The CHL expiration
12 language is made consistent with other forms of ID. It must not
13 have another form of ID to get a free ID, one must not. And it
14 removes the Senate Floor amendment rendering this bill
15 ineffective if the bill is determined to make an appropriation,
16 and legislative council technical changes.

17 CHAIRMAN BONNEN: Thank you. Are there any
18 questions of Representative Harless, members? Thank you.

19 Chair calls Chris Ward, an attorney, as invited
20 testimony. And obviously, for all witnesses, we ask that you
21 state your name and who you're representing for the record and
22 then go ahead and begin your testimony.

23 Mr. Ward, you'll have ten minutes.

24 MR. WARD: Thank you, Mr. Chairman. My name is
25 Chris Ward. I represent myself here. I am a partner with the



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1 law firm of Yetter, Coleman. I've been asked to come testify
2 regarding the constitutionality of Senate Bill 14 under the
3 standard laid out by the Supreme Court. I practice --

4 CHAIRMAN BONNEN: Mr. Ward, I would assume you're
5 speaking to the substitute, and you've seen the substitute?

6 MR. WARD: Yes, Mr. Chairman.

7 CHAIRMAN BONNEN: Thank you.

8 MR. WARD: And I -- and I -- and I -- you know,
9 and I don't think there is any -- have been any changes of
10 constitutional significance in the bill and certainly
11 the -- that the bill before the committee today would satisfy
12 the Court's constitutional standard as I will walk through with
13 you.

14 Just a little by way of background. I primarily
15 practice appellate litigation, including constitutional and
16 Supreme Court litigation. I have some experience in the
17 particular field of voting rights, including being one of the
18 lead attorneys in the 2009 Supreme Court case, Northwest Austin
19 MUD v. Holder, which was one of the -- the Court's leading
20 Voting Rights Act decisions in recent years.

21 The Supreme Court has spoken pretty plainly to
22 the particular issue that is before the committee with regard to
23 constitutionality. There is a 2008 Supreme Court case, Crawford
24 v. Marion County Election Board in which the Supreme Court
25 upheld Indiana's voter identification law. And what -- the main



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1 thing I want to do is kind of walk through a little bit of what
2 the Crawford case holds and how that relates to Senate Bill 14.

3 The Indiana voter identification law, at the time it
4 was considered by the Supreme Court, was considered to be the
5 most stringent voter identification law in the country. So the
6 fact that the Supreme Court upheld the Indiana voter ID law gave
7 a lot of -- a lot of constitutional validity to the entire
8 concept of requiring voter identification as a means of
9 combatting voter fraud. The opinion in the Crawford case was
10 authored by Justice Stevens, who of course is now off the court,
11 but at the time and for a long time he had been considered one
12 of the most liberal members of the Supreme Court. So there --
13 there is some -- some weight to the fact that Justice Stevens is
14 the one who wrote the opinion upholding it. He was joined by
15 the chief justice and also by Justice Kennedy who was and still
16 is considered the main swing vote on the Court.

17 Just a few -- a few things to note about the
18 Crawford case. The Indiana voter law that was being considered
19 by the Supreme Court in Crawford, like Senate Bill 14, would
20 apply to in-person voting and required citizens to show a photo
21 ID in order to vote in person. In the controlling opinion,
22 Justice Stevens laid out the test for a constitutional challenge
23 to an election regulation. He explained that the -- what you do
24 is you weigh the asserted injury to the right to vote against
25 the precise interest put forward by the State. And the Court



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1 identified several valid State interests in the context of a
2 voter identification law. The primary State interest, which the
3 Supreme Court said is clearly valid, is the -- the State, of
4 course, has a strong interest in deterring and detecting voter
5 fraud.

6 Interesting to note, in the Crawford case, the
7 Court noted there was -- there was nothing in the record of that
8 case that reflected that in-person voting fraud had actually
9 been occurring or had been a real problem in Indiana. But there
10 were a few flagrant examples from around the country, and the
11 Court made the observation that this is a -- this is a problem a
12 legislature can reasonably expect and can reasonably take steps
13 to prevent.

14 Justice Stevens recounted an anecdote regarding a
15 19th century New York ward boss of politics who said, you know,
16 all his voters that he wanted to get out, he always wanted men
17 with whiskers because he could -- he could send them in once to
18 vote with a full set of whiskers. Then he can take them to the
19 barber, have the mustache shaved, send them in, send them back
20 to the barber, they could come back with just their mutton
21 chops. And then if you need more votes, you can send them back
22 clean shaven, and each one was good for four votes.

23 Now, I bring that -- I mention that part of the
24 opinion for two reasons: One, I just find it a little amusing.
25 But the important legal and constitutional point is this was



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1 something that happened more than 100 years ago, and the Court
2 looked at it and said here's an example of where in-person voter
3 fraud could occur. And the point of including that anecdote in
4 the opinion is to say this is a problem a state can address. It
5 doesn't necessary have to be based on current evidence of a
6 contemporary problem. This is something you can anticipate
7 could be a problem, and we know it's been a problem
8 historically, and a state can take reasonable pleasures to
9 prevent it.

10 The Court also identified other valid state
11 interests, interests in improving and modernizing election
12 procedures. The Court noted that in the Help America Vote Act,
13 Congress identified photo identification as one effective method
14 of establishing a voter's qualification to vote. So Congress
15 has also -- has recognized photo ID as a valid way of validating
16 a voter's identity. The Commission on Federal Election Reform,
17 which was a commission chaired by former President Jimmy Carter
18 and Secretary of State Robert Baker -- Jim Baker, issued a
19 report in which they also identified photo ID as a valid method
20 of modernizing and making elections -- election procedures more
21 modern and effective.

22 Safeguarding voter confidence is another valid
23 state interest that the Court identified as served by photo ID
24 laws. Not only does it make the system more fraud proof, but it
25 gives voters more confidence that their system is fraud proof



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1 and that their own validly-cast vote will count and will not be
2 diluted by the casting of fraudulent ballots.

3 The Court looked at the burden that a photo ID
4 law imposes on the right to vote, and the Court weighed that
5 against these important state interests. The Court made an
6 important distinction between a particular burden that an
7 individual might face. For some individuals, it might be a
8 particular burden to get a photo ID. But in the context -- in
9 the question of what's called facial validity and a
10 constitutional challenge that seeks to strike down an entire law
11 as unconstitutional is known as a facial challenge. On its
12 face, you look at the burden overall, not in a particular case
13 in which a person, an individual, might be able to make out a
14 case of a particularized as-applied constitutional problem.

15 The Court identified the relevant burden as the
16 burden on those persons who are eligible to vote but who do not
17 currently possess a valid photo ID. The Court noted that if you
18 had to pay some fee to get the photo ID, then that would be an
19 unconstitutional poll tax. But the fact that Indiana's law
20 provided for free photo IDs for those who did not already have
21 them in order to vote kept that from being a problem. Senate
22 Bill 14 has the same provision. A voter can get a free photo ID
23 card from the State if the voter does not already have a card.
24 You know, the Court did recognize that there is a somewhat --

25 CHAIRMAN BONNEN: Mr. Ward, your time has



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1 expired.

2 MR. WARD: Thank you, Mr. Chairman.

3 CHAIRMAN BONNEN: Thank you. Let the record
4 reflect Representative Taylor is present. He had an issue with
5 traffic. And also, members, let's welcome Representative Anchia
6 who is not a member of the committee. But once the members of
7 the committee have asked the questions they desire, we will
8 respect Representative Anchia and other members who are not on
9 this committee to ask questions of the witnesses.

10 Are there any questions of Mr. Ward of the
11 committee members? Representative Hochberg?

12 MR. HOCHBERG: Thank you, Mr. Chairman.

13 And I realize that you were citing a legal
14 argument, but I just want to make sure that I understand how it
15 fits. I guess this was a -- when you were talking about the
16 gentlemen with mutton chops, I guess what you were saying was if
17 fraud ever existed, then any solution that is reasonably
18 attached to eliminating a fraud that's similar, even if it's not
19 that fraud, makes this constitutional. Is that what your point
20 was?

21 MR. WARD: I think the -- the Court's point is
22 that voter fraud is something that historically, and just the
23 experience of legislatures, can tell you that it could be a
24 problem, and that photo ID is a way of combatting it.

25 MR. HOCHBERG: So any solution -- so any



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1 action -- it's your position that any action that is arguably to
2 combat voter fraud is legal if there has been any other kind of
3 voter fraud, regardless of whether the action that's taken meets
4 that requirement.

5 I guess the reason I'm asking this is I assume
6 that this bill -- and I have not read the entirety of the
7 substitute, but I assume that this bill doesn't require somebody
8 to reject a voter because they've shaved their whiskers since
9 the time the picture was taken. But the example that you sort
10 of sent up here was that, my goodness, this guy could
11 have shaved, you know, and be able to come in four different
12 times. And I don't see how that's really connected to the bill.
13 So what point is it that you're making about that?

14 MR. WARD: Well, respectfully, Representative, I
15 think the first part of your question was too broad. It's not
16 my position, and I don't think it's the Supreme Court's position
17 that anything, just because it has the intent of combatting
18 voter fraud is necessarily constitutional.

19 But specifically, the Court has looked at photo
20 identification and said that is a constitutionally valid and
21 reasonable method of attempting to combat voter fraud, improve
22 and modernize elections and encourage voter confidence in the
23 system.

24 MR. HOCHBERG: But your position is that whether
25 or not the method to combat voter fraud is connected to the



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1 fraud that has been documented to occur at some point in the --
2 in the history of the state or the United States, I guess, that
3 that's sufficient to give the State constitutional grounds to
4 oppose it.

5 MR. WARD: Well, I'm saying --

6 MR. HOCHBERG: I'm not an attorney, so I'm really
7 kind of asking you to explain what that example had to do with
8 anything, because not being an attorney, I can't make all those
9 stretches.

10 MR. WARD: Well, the question was raised in the
11 Crawford case, is there evidence or is there enough evidence
12 that this type of in-person voting fraud is a a present problem
13 in Indiana.

14 MR. HOCHBERG: What type of in-person voting
15 fraud?

16 MR. WARD: Somebody walking in, and maybe they
17 have a voter registration card or they're on the rolls, but they
18 don't -- they're not asked, and they -- they don't have to show,
19 and they don't have a photo ID, and it's not the person who's
20 actually on the registration roll. Maybe the person on the
21 registration rolls is dead. You know, I think there was some
22 evidence in the Indiana case that they had problems with purging
23 their voter rolls, and there were a lot of people who did not
24 meet the constitutional condition of being a person living in
25 the state in order to --



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1 MR. HOCHBERG: Who were on the rolls.

2 MR. WARD: Who were on the rolls.

3 MR. HOCHBERG: Right. We're not assuming that
4 any of those dead people were actually voting.

5 MR. WARD: That's correct. The --

6 MR. HOCHBERG: It would be okay as long as they
7 had the proper ID.

8 MR. WARD: If they had the proper ID and they
9 could get to the polls, I know nothing in the constitution --

10 MR. HOCHBERG: I grew up in Chicago, so dead
11 voters -- I understand the dead voters, but --

12 MR. WARD: The Court has not yet decided whether
13 zombies are protected under the 14th amendment. But the point
14 the Court was making is to uphold this as a facially
15 constitutional method of combatting voter fraud you do not need
16 to have specific evidence that this is a current widespread
17 problem in the state.

18 MR. HOCHBERG: Or apparently, a previous problem
19 that you're actually solving, because you would agree with me
20 that voter ID wouldn't take care of the person who has -- who
21 shaves his mutton chops because there's no requirement that a
22 person have the same facial hair --

23 MR. WARD: Well, not --

24 MR. HOCHBERG: -- as they do on the picture.

25 MR. WARD: Not necessarily. That -- that may



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1 be --

2 MR. HOCHBERG: Or hopefully, the hair on the top
3 of one's head that they do in the picture.

4 MR. WARD: But just by way of example, you know,
5 I -- they used to take DPS driver's license photos with your
6 glasses on. And last time I got my picture made for my driver's
7 license, they made me take my glasses off. And, you know, there
8 were once or twice in my life when I've had to show my ID, and I
9 had different glasses and they -- or I had contacts for a brief
10 period of time, and somebody would say, Is this you? Well, yes,
11 it's me. And I think you could -- if you're looking at a photo
12 ID, you could probably make the same distinction with the
13 whiskers.

14 MR. HOCHBERG: Right. So the --

15 MR. WARD: But the --

16 MR. HOCHBERG: So the photo ID wouldn't have
17 prevented you from voting four times. So the -- the example
18 doesn't have to be connected to the case then, I guess.

19 MR. WARD: Well, I think in most cases you could
20 probably say I see you're clean shaven; in this you have a
21 beard. Yeah, I can see.

22 MR. HOCHBERG: Right.

23 MR. WARD: But, you know, I think that gets a
24 little bit into the weeds. The main --

25 MR. HOCHBERG: Well, just because you brought it



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1 up. So, I -- just --

2 MR. WARD: Well, the legal reason I pointed to
3 that example is when the Court and Justice Stevens was able to
4 say, I'm going to pull up this 100-year-old example and say
5 that's enough to support using photo ID to combat voter fraud.

6 CHAIRMAN BONNEN: Okay. Thank you.

7 MR. WARD: So --

8 CHAIRMAN BONNEN: Thank you, Representative
9 Hochberg. Let the record indicate Representative Hilderbran is
10 present.

11 Members, any other questions of this witness?

12 Representative Anchia.

13 MR. ANCHIA: Just one. I just want to underscore
14 a distinct, an important distinction that you made earlier,
15 which was the distinction between an as-applied challenge and a
16 facial challenge. Now, the Supreme Court in the Indiana case
17 only dealt with the facial challenge, correct?

18 MR. WARD: That's correct.

19 MR. ANCHIA: There's been no case related to the
20 Indiana law with respect to an as-applied challenge; is that
21 correct?

22 MR. WARD: That's correct to the best of my
23 knowledge.

24 MR. ANCHIA: Okay. But you could imagine an
25 as-applied challenge that would be successful if the photo ID



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1 regime was onerous and disenfranchised persons; is that correct?

2 MR. WARD: You could imagine an as-applied
3 challenge that would be successful with regard to almost any
4 law, affecting anything. And that's --

5 MR. ANCHIA: And in the Indiana case, there was
6 no -- there was no as-applied challenge, simply a facial
7 challenge; is that correct?

8 MR. WARD: That's correct.

9 MR. ANCHIA: Okay.

10 MR. WARD: And -- and if I may -- you know, and
11 that's the difference between a facial challenge and an
12 as-applied challenge is in a facial challenge, you're saying
13 this whole law -- this law is invalid, it's unconstitutional,
14 please strike it down.

15 And with regard to an as-applied challenge, you
16 can bring an as-applied challenge as to almost any law, whether
17 it's about voting rights or whether it's about a traffic
18 violation or whatever and say, as applied to me, this violates
19 some constitutional right.

20 MR. ANCHIA: And just to follow up on your -- on
21 your -- on your analysis. And if there was a photo
22 identification regime that disenfranchised a significant amount
23 of voters, you could envision an as-applied challenge that would
24 be successful, correct?

25 MR. WARD: I could envision a challenge by a



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1 particular individual that might be successful, that you
2 could --

3 MR. ANCHIA: But if it was -- in scope of
4 magnitude, if you had a lot of people who were disenfranchised,
5 you could imagine an as-applied challenge that would be
6 successful.

7 MR. WARD: Well -- well, I couldn't imagine --

8 MR. HOCHBERG: Just using that assumption.

9 MR. WARD: Yeah. I could imagine an individual
10 saying the constitution requires me to have an exception made in
11 my case for this law. I --

12 MR. ANCHIA: I'll take that as -- as your
13 agreement. Thank you.

14 CHAIRMAN BONNEN: Let the record reflect
15 Representative Gutierrez and Vice Chairman Veasey are present.
16 Representative Aliseda has a question.

17 MR. ALISEDA: Is it not true that with respect to
18 the Supreme Court case you cited, that there were efforts to
19 find plaintiffs that would be able to claim that the statute was
20 unconstitutional as applied to them?

21 MR. WARD: I don't know the full litigation
22 history of the case. I don't know.

23 MR. ALISEDA: I thought the particular case cited
24 efforts by groups to come up with voters that were
25 disenfranchised by the Indiana statute that, in fact, the case



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1 was pending several years prior to the actual hearing.

2 MR. WARD: There likely were. And that's
3 frequently the case in this kind of a challenge. And when
4 you're unsuccessful in being able to dig up a plaintiff who has
5 a good as-applied claim, that can be part of the evidence that
6 the law is not facially unconstitutional because it's not
7 constitutionally significant in terms of the burden it imposes
8 on very many people.

9 MR. ALISEDA: Thank you.

10 CHAIRMAN BONNEN: Thank you, members. Any other
11 questions of Mr. Ward?

12 Thank you, Mr. Ward. Appreciate your time this
13 morning.

14 MR. WARD: Thank you, Mr. Chairman and members.

15 CHAIRMAN BONNEN: Okay. Members, we -- at the
16 moment, we don't have any more of the expert witnesses present
17 with us. I guess we started too early. So we will begin with
18 the public testimony, and then as expert witnesses arrive, we
19 will bring them forward and allow them their opportunity.

20 So the chair calls Mr. B.R. Skipper Wallace,
21 legislative chair of the Texas Republican County Chairman's
22 Association to testify for Committee Substitute Senate Bill 14.

23 MR. WALLACE: Mr. Chairman, committee members,
24 I'm pleased to be here this morning. My name is B.R. Skipper
25 Wallace. I'm the legislative chairman for the Texas Republican



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1 County Chairman's Association. I've been an election judge and
2 a county chairman for 20 years. I've testified on this -- not
3 this particular bill, but variations of this bill for the last
4 three sessions of the legislature.

5 One statement that's always made is that there
6 are very few documented cases of voter impersonation. That's
7 true. Voter impersonation is probably the most difficult type
8 of voter fraud to prove. Unless the election judge where this
9 person goes to vote knows the person voting or the registration
10 card that they present, there is no way to prove voter
11 impersonation. If you -- Mr. Veasey, if you present Mr. Pena's
12 card and you come up there and present it, I have no way to
13 dispute that as an election judge under the present law.

14 One concern about the bill is it is difficult for
15 seniors, the poor and handicap to get photo IDs. We've -- we
16 have agreed in the bill to provide a significant effort to
17 educate, register anyone who does not have a photo ID at no cost
18 to them. The intent of the bill is not to disenfranchise
19 anyone, but to improve the integrity of the voting process.

20 Secretary of State's office reports that there
21 are 13 million registered voters in Texas as of March 2010
22 primary, 18.7 million voting age population. DPS reports that
23 there are more than 14 million valid Texas drivers licenses and
24 another 4 million valid Texas ID cards and 400,000 concealed
25 handgun licenses issued to Texans over 18 years old. Currently,



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1 there are more government issued IDs possessed by the voting age
2 population than there are registered voters. So I'm having a
3 real hard time of figuring out who doesn't have an ID already.
4 You can do the math on those numbers, and you tell me who
5 doesn't have one.

6 I beg you to stop perpetuating voter fraud and
7 pass a good voter photo ID bill. Hopefully, the goal of
8 everyone on this committee and in the legislature is to improve
9 the election process in Texas. I'll be glad to answer any
10 questions.

11 CHAIRMAN BONNEN: Thank you, Mr. Wallace. Any
12 questions, members?

13 Representative Vice Chair Veasey.

14 VICE CHAIRMAN VEASEY: It's been awhile since
15 I've been in this room, so pardon me.

16 MR. WALLACE: You were here last time I was here.

17 VICE CHAIRMAN VEASEY: Yeah, that's right. That
18 is right.

19 So what -- I know that you -- that you're
20 concerned about the point that you made about Aaron. If I
21 have -- if I show you Aaron's voter registration card, that you
22 have to let me vote under the current law.

23 MR. WALLACE: Right.

24 VICE CHAIRMAN VEASEY: But why are you so
25 convinced that there is voter fraud? Like what makes you -- is



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1 there -- is -- I know that -- I understand exactly what the
2 point that you're trying to make, that it's easy for anyone to
3 just say, Well, here, here's my card, you know, and that that
4 may be going on throughout the state. But what makes -- why are
5 you -- why are you certain that that's going on throughout the
6 state?

7 MR. WALLACE: Well, there -- there is no way that
8 you can prove that there's not voter fraud, and there's no way
9 that I can prove that there is voter fraud because the
10 difficulty of proving voter impersonation. It --

11 VICE CHAIRMAN VEASEY: Right. But I think the
12 last statement that you made was that we need to stop
13 perpetuating voter fraud. But you just said that neither one of
14 us can prove that voter fraud is or is not taking place.

15 MR. WALLACE: Well, it is our opinion --

16 VICE CHAIRMAN VEASEY: Uh-huh.

17 MR. WALLACE: -- that there is voter fraud in the
18 state of Texas --

19 VICE CHAIRMAN VEASEY: Based on?

20 MR. WALLACE: -- in various and sundry ways.

21 VICE CHAIRMAN VEASEY: Based on?

22 MR. WALLACE: Based on different reports from
23 different areas that -- of election judges that talk to me that
24 say that they have witnessed. They have not pursued the case
25 and gone ahead and filed charges because they're not sure



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1 sometimes. But one election judge told me that they know or
2 they felt pretty sure that they saw the same guy come vote three
3 different times with three different cards, but there's not a
4 case on that. So, you know, why don't we take an ounce of
5 prevention instead of a pound of cure and solve this problem. I
6 mean, 90 percent of the voters that come to vote now, at least
7 in the polls that I work in, present a photo ID as it is,
8 without it being a requirement of the law.

9 VICE CHAIRMAN VEASEY: How many expired IDs do
10 you see when people --

11 MR. WALLACE: Not very many.

12 VICE CHAIRMAN VEASEY: Okay.

13 MR. WALLACE: No. In fact, nobody -- everybody
14 thinks that an expired ID is not any good, which, you know,
15 there's some question as to whether an expired ID is any good.
16 But --

17 VICE CHAIRMAN VEASEY: How many student --

18 MR. WALLACE: -- I don't ever recall seeing an
19 expired ID presented at a voting place as a way to identify
20 themselves.

21 VICE CHAIRMAN VEASEY: How many -- how many
22 students, student IDs?

23 MR. WALLACE: How many students?

24 VICE CHAIRMAN VEASEY: Yeah.

25 MR. WALLACE: Well, being that we don't have a



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1 college in the area where I'm from, we don't get --

2 VICE CHAIRMAN VEASEY: Okay. Where --

3 MR. WALLACE: -- hardly any.

4 VICE CHAIRMAN VEASEY: And where are you from
5 again?

6 MR. WALLACE: Lampasas, Texas.

7 VICE CHAIRMAN VEASEY: Lampasas. Okay.

8 MR. WALLACE: Uh-huh. Small rural county.

9 VICE CHAIRMAN VEASEY: Yes. Oh, yeah.

10 Absolutely.

11 CHAIRMAN BONNEN: Representative Hochberg.

12 MR. HOCHBERG: Thank you, chairman.

13 Gosh, I thought everybody in Lampasas knew each
14 other.

15 MR. WALLACE: Well, you'd think so. But even in
16 a small county like that, you know, we've got new people moving
17 in all the time, all these folks moving out of Austin, moving to
18 the hill country. I don't blame them.

19 MR. HOCHBERG: Yeah. Well, that -- that would
20 be -- I'd be worried about that too. I don't know what it's
21 going to do to your property taxes. It's probably making a
22 mess.

23 MR. WALLACE: Well, that's probably -- you're
24 right.

25 MR. HOCHBERG: So what do you -- what are you



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1 going to do? How are you -- how are you going to stop this dude
2 who shows up three times who's obviously gone through the effort
3 of coming up with three different voter registration cards or
4 three different sets of identification?

5 MR. WALLACE: Well, right now --

6 MR. HOCHBERG: I hadn't been -- I hadn't
7 been -- let me -- I hadn't been 18 for a long time, but I
8 remember that it used to be pretty easy to fake an ID or
9 something to be able to engage in certain activities that
10 weren't allowed to people who were under the age of 21.

11 MR. WALLACE: I know exactly what you're talking
12 about.

13 MR. HOCHBERG: And so if this dude who came in
14 three times went to the effort of I guess getting some kind of
15 fake identification, because they have to present either a voter
16 registration card or something --

17 MR. WALLACE: Voter registration cards was my
18 understanding what they --

19 MR. HOCHBERG: Or something.

20 MR. WALLACE: -- presented.

21 MR. HOCHBERG: Then --

22 MR. WALLACE: This was not in Lampasas County
23 that this happened.

24 MR. HOCHBERG: And I know -- I know on your
25 watch, you wouldn't let it happen in Lampasas County because you



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1 would have reported it.

2 MR. WALLACE: Well, I would probably question --

3 MR. HOCHBERG: Sure.

4 MR. WALLACE: You know, let me -- well, see,
5 under law, I can't make them produce an ID.

6 MR. HOCHBERG: So when I produce a -- so if that
7 guy was going through that effort, don't you think under this
8 law, he'd have himself a fake ID too?

9 MR. WALLACE: Well, he'd have to have three fake
10 IDs.

11 MR. HOCHBERG: Has three fake voter registration
12 cards.

13 MR. WALLACE: Well, those aren't necessarily
14 fake. You know, there's a business in Texas where they steal
15 voter registration cards and then pass them out --

16 MR. HOCHBERG: I think there's --

17 MR. WALLACE: -- for people to vote. Or it's my
18 understanding.

19 MR. HOCHBERG: I don't --

20 MR. WALLACE: I've never seen that personally.

21 MR. HOCHBERG: I don't know if that's true, but
22 there's -- there's a business -- I'm sure there are -- I know
23 there are businesses that create fake drivers licenses.

24 MR. WALLACE: I'm sure there are. We -- and we've
25 tried --



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1 MR. HOCHBERG: But were they easy to find.

2 MR. WALLACE: -- to eliminate the number of IDs
3 that are available to use as a photo ID because we feel like
4 these are the most secure types --

5 MR. HOCHBERG: But you would --

6 MR. WALLACE: -- rather than the utility bills
7 and all this other stuff that we used to have.

8 MR. HOCHBERG: Sure. And but I know when I go to
9 the airport and try to get on an airplane that they don't just
10 look at my ID, but they've got all kinds of gadgets with the
11 little, you know, magnifying --

12 MR. WALLACE: That's true.

13 MR. HOCHBERG: -- glass and something, because
14 apparently, it's easy to fake unless you've been specially
15 trained to figure out how not to fake it.

16 MR. WALLACE: Right.

17 MR. HOCHBERG: So I'm just wondering if that -- I
18 say if that guy was going to go through the effort of either
19 doing that or cutting his mutton chops or whatever --

20 MR. WALLACE: Don't know anything about mutton
21 chops.

22 MR. HOCHBERG: Would he -- it doesn't take too
23 much of a stretch to think that he would go ahead and have the
24 appropriate kind of ID if he was --

25 MR. WALLACE: I think eventually the situation



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1 will evolve to you'll have a little -- a little zip thing like
2 they run credit cards through. They have those for drivers
3 licenses also. In fact, there are --

4 MR. HOCHBERG: What would you do with that?

5 MR. WALLACE: It gives you all the information
6 off the driver's license and actually puts it into the
7 electronic poll book right now. There is a system available to
8 counties that does that, takes --

9 CHAIRMAN BONNEN: Mr. Wallace?

10 MR. WALLACE: Yes, sir.

11 CHAIRMAN BONNEN: And Representative Hochberg, I
12 don't want to cut you off in any way --

13 MR. HOCHBERG: I understand.

14 CHAIRMAN BONNEN: -- but with all due respect --

15 MR. HOCHBERG: We've got a long day.

16 CHAIRMAN BONNEN: Well, no, I'm not even worried
17 about that, but we will have an expert witness from DPS who can
18 discuss --

19 MR. HOCHBERG: Great.

20 CHAIRMAN BONNEN: -- these driver's license. No
21 disrespect to you, Mr. Wallace, but I don't think you're --

22 MR. WALLACE: I'm just trying to answer the
23 question.

24 CHAIRMAN BONNEN: I don't think. No. I know.
25 No, no. I'm just -- I don't think that you're probably the



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1 expert to answer those.

2 MR. HOCHBERG: That's okay.

3 CHAIRMAN BONNEN: Go ahead, Mr. Hochberg.

4 MR. HOCHBERG: Let me ask you the other side of
5 the --

6 MR. WALLACE: Okay.

7 MR. HOCHBERG: -- of the deal. I know that
8 you're -- I know that you are a partisan elected official, but
9 I'm sure you are very fair in the way you administer your
10 elections.

11 MR. WALLACE: I certainly try to be.

12 MR. HOCHBERG: Have you ever heard of a situation
13 where a person administering an election in a precinct, be they
14 republican or democrat, has done anything to discourage people
15 that he -- who he believes to be or she believes to be of the
16 other party, done anything to discourage them from voting? Have
17 you ever heard of that happening?

18 MR. WALLACE: Well, I've not had a case filed
19 with me to --

20 MR. HOCHBERG: But you've heard of it?

21 MR. WALLACE: I've heard of it, sure.

22 MR. HOCHBERG: You've heard of it as much --

23 MR. WALLACE: Yeah.

24 MR. HOCHBERG: You've hear of it just like you
25 have --



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1 MR. WALLACE: On both sides.

2 MR. HOCHBERG: That's right.

3 MR. WALLACE: Yeah.

4 MR. HOCHBERG: And just like you've kind of heard
5 of folks maybe walking in --

6 MR. WALLACE: Yes, sir.

7 MR. HOCHBERG: -- more than once?

8 MR. WALLACE: Yes, sir.

9 MR. HOCHBERG: The one thing that I --

10 MR. WALLACE: We want to get that out of our
11 elections.

12 MR. HOCHBERG: I absolutely agree with that.

13 MR. WALLACE: We want elections fair and
14 aboveboard so everybody can vote that's supposed to.

15 MR. HOCHBERG: What I -- what I -- what I don't
16 understand is and what I don't see in the bill, and maybe you
17 can -- if you answer this question, I won't ask it again today,
18 but I've asked it --

19 MR. WALLACE: Okay.

20 MR. HOCHBERG: -- for a number of years on this.
21 You pick up my driver's license and take a look at it, and you
22 look at me, and you know that I'm a registered democrat. I know
23 we don't have registration, but you know I voted in the primary.
24 You know who I am.

25 MR. WALLACE: Yes, sir.



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1 MR. HOCHBERG: And you know it's not me
2 personally because you know I wouldn't let you do this, but --
3 but you know it's someone who's likely to vote, and it's not --
4 not you, but one of these other folks who have a history of
5 doing this kind of stuff, and they look at the license and they
6 say, I'm sorry, sir, this isn't you.

7 Now, I see references to training in here. And
8 maybe I -- and maybe I'm missing it and --

9 MS. HARLESS: May I help you with that?

10 MR. HOCHBERG: If the chair -- if the chair would
11 allow.

12 CHAIRMAN BONNEN: Well, are you asking her or Mr.
13 Wallace?

14 MR. HOCHBERG: Well, I'm -- well, I'm asking him
15 what he would do, but if -- but if the chair would like Ms.
16 Harless to answer, that's up to the chair.

17 CHAIRMAN BONNEN: Sure.

18 MS. HARLESS: We do have an expert here from the
19 Secretary of State to talk about that in the discretions they
20 use --

21 MR. HOCHBERG: Great.

22 MS. HARLESS: -- and exactly what --

23 CHAIRMAN BONNEN: Well, they're not here
24 currently.

25 MR. HOCHBERG: But I'll defer until -- if



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1 somebody -- if --

2 CHAIRMAN BONNEN: Okay.

3 MS. HARLESS: Yeah. We have.

4 MR. HOCHBERG: -- secretary of state wants to
5 talk about it, I'd love to hear it.

6 MS. HARLESS: On some questions, we do have
7 experts here from DPS, from the AG's office --

8 CHAIRMAN BONNEN: And I think we stated that.

9 MS. HARLESS: -- and also from the Secretary of
10 State.

11 CHAIRMAN BONNEN: Yeah. We'll get to that.

12 MR. HOCHBERG: Okay. Well, thank you, sir.
13 Thank you, sir.

14 CHAIRMAN BONNEN: Any other questions of this
15 witness, members?

16 MS. HARLESS: I have one.

17 CHAIRMAN BONNEN: Representative Harless.

18 MS. HARLESS: Thank you.

19 CHAIRMAN BONNEN: Yes, ma'am.

20 MS. HARLESS: I know that there's a lot of talk
21 about fraud. And you and I personally may disagree on whether
22 that takes place or it doesn't take place in in-voter fraud.
23 But tell me, in your mind, what happens if one fraudulent vote
24 is cast? Does that steal from a legitimate voter?

25 MR. WALLACE: Well, as you can see in a recent



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1 election contest, it doesn't take very many fraudulent votes to
2 change the election results. And I --

3 MS. HARLESS: You --

4 MR. WALLACE: I don't want any fraudulent -- if
5 there's any way I can prevent it, I would like to have everybody
6 have their opportunity to vote. I don't care -- I mean, I do
7 care who they vote for, but, you know, with their right to vote,
8 they can vote for whoever they want to, and however the results
9 come out, they come out. But they need to be legitimate votes.

10 MS. HARLESS: Have you noticed the confidence in
11 the public when they come into your precinct to vote on
12 questioning if their vote really counts and the integrity of the
13 election process?

14 MR. WALLACE: On questioning of --

15 MS. HARLESS: If there's true integrity in the
16 election process.

17 MR. WALLACE: We don't question them as to
18 whether they --

19 MS. HARLESS: No, not them.

20 MR. WALLACE: Maybe I misunderstood the question.

21 MS. HARLESS: Do you have people coming in
22 saying, I'm not sure my vote really counts or --

23 MR. WALLACE: Oh, yeah. Sure. Yeah.

24 MS. HARLESS: Because they're questioning the
25 integrity of the election process?



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MR. WALLACE: Well, you know, you hear all kinds of horror stories, and the press is real good about playing up the if, whens and maybes. And yeah, people are real apprehensive as to whether our elections are really credible or not. And when you get one horror story, then everybody is suspect. They lose confidence in the process. And I think presenting the ID will help reinstall it. 85 percent of the people in Texas are in support. Even the democrats, Mr. Hochberg.

CHAIRMAN BONNEN: Thank you. Representative Gutierrez.

MR. GUTIERREZ: Thank you, Mr. Chairman. And I apologize. I was in a LAP committee meeting that we had earlier, and it's still going on at this time.

Mr. --

MR. WALLACE: Wallace.

MR. GUTIERREZ: Mr. Wallace, you suggest that the voter fraud is difficult to ascertain and define. But we had an attorney general's investigation on this issue, did we not?

MR. WALLACE: We have perpetual attorney general investigation --

MR. GUTIERREZ: And they certainly are the --

MR. WALLACE: -- pertaining to voter fraud.

MR. GUTIERREZ: And they are certainly the entity that has the resources -- you would agree with me that they have



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1 more resources than you do by way of --

2 MR. WALLACE: For sure.

3 MR. GUTIERREZ: -- law enforcement and
4 investigators to go out and find this very problematic problem,
5 as you suggest. I mean, they have the resources to be able to
6 ascertain whether it's going on or not, do they not?

7 MR. WALLACE: The problem with that is, sir, is
8 that it is almost impossible to prove voter impersonation unless
9 you as an election judge say Mr. Aliseda is not Mr. Gutierrez.

10 MR. GUTIERREZ: But the State of Texas spent
11 \$1.4 million to investigate this so-called problem.

12 MR. WALLACE: Well, I can't help that.

13 MR. GUTIERREZ: And your ounce of prevention as
14 we so far have it is going to cost the taxpayers \$2 million,
15 which I don't believe. It's going to cost my county over half a
16 million dollars, which I don't believe. And yet at a time when
17 we have a budget crisis, we're asking people to go after a
18 problem that doesn't exist.

19 MR. WALLACE: Well, how much are legitimate
20 elections worth to you, sir?

21 MR. GUTIERREZ: Really? You really think that we
22 don't have credible elections in the United States of America?

23 MR. WALLACE: I think we have pretty good
24 elections, but I want to make them better.

25 MR. GUTIERREZ: Right. Thank you.



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1 CHAIRMAN BONNEN: Vice chair Veasey.

2 VICE CHAIRMAN VEASEY: Mr. Wallace, I just --

3 MR. WALLACE: Yes, Mr. Veasey.

4 VICE CHAIRMAN VEASEY: -- had one other thing
5 for you.

6 MR. WALLACE: Sure.

7 VICE CHAIRMAN VEASEY: Now, you -- you said that
8 you have heard certain things.

9 MR. WALLACE: Yes, sir.

10 VICE CHAIRMAN VEASEY: And that's one of the
11 concerns that I have about this bill and some of the allegations
12 that have been made since I've been in the legislature is that
13 there's a lot of innuendo, a lot of rumors, a lot of stories,
14 but no one can pinpoint, you know, one thing. It's just stories
15 that have circulated. How long have you been involved with the
16 election process?

17 MR. WALLACE: 20 years.

18 VICE CHAIRMAN VEASEY: 20 years?

19 And when did the voter impersonation become a
20 problem? Do you -- right --

21 MR. WALLACE: Probably within the last ten years.

22 VICE CHAIRMAN VEASEY: In the last ten years?

23 MR. WALLACE: Uh-huh.

24 VICE CHAIRMAN VEASEY: Okay.

25 MR. WALLACE: Or at least that's when people



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1 started, you know, telling me they thought that there was voter
2 fraud. And you -- like I said, we all -- you always have to go
3 back.

4 VICE CHAIRMAN VEASEY: Right.

5 MR. WALLACE: You can't prove it unless you know
6 the one presenting the fake ID or the -- or the fake voter
7 registration card.

8 VICE CHAIRMAN VEASEY: Here -- I -- the one thing
9 that interests me about, you know, the stories that you were
10 telling about, well, you know, this person, you know, you heard
11 that in this other county that someone else voted or used a fake
12 ID and one guy voted three times, but no one really knew what to
13 do, no one --

14 MR. WALLACE: That's right.

15 VICE CHAIRMAN VEASEY: The red universe -- you
16 know, take off your -- your unbiased, you know, election judge
17 hat and think about the red universe, you know, the -- the
18 republican universe. There are so many, you know, web blogs and
19 so many, you know, different, you know --

20 MR. WALLACE: I don't read all that mess.

21 VICE CHAIRMAN VEASEY: -- conservative web sites
22 and things like that that sort of -- and things, you know, get
23 around on those web sites.

24 MR. WALLACE: Sure.

25 VICE CHAIRMAN VEASEY: Why aren't there more



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1 specific stories that are being investigated by DPS and by the
2 attorney general's office through this network of conservative
3 blogs and conservative activists if there are so many specific
4 allegations of voter fraud and voter impersonation that are
5 taking place? I mean, you would think that, you know, with this
6 vast network, that we would already, you know, be knowing about
7 this and that the attorney general's office would be conducting
8 an investigation right now.

9 MR. WALLACE: Well, voter impersonation is what
10 we're talking about today. There's lots of different kinds of
11 voter fraud, but voter impersonation is the one particularly
12 working on in this deal.

13 VICE CHAIRMAN VEASEY: Right. But if there are
14 stories of voter impersonation that you've heard of from other
15 republicans around the state, surely I could go on -- I could,
16 you know, get my iPad right now and go on one of these
17 conservative blogs or one of these conservative web sites and
18 hear about specific stories and specific allegations of voter
19 fraud that have taken place. And undoubtedly, you know,
20 Attorney General Abbott would be investigating those claims
21 right now. But I know of no claims that have been investigated.
22 I know of no serious or credible stories that I've heard of on
23 any of these blogs or any of these sites. But if it's so
24 widespread and it's taking place and you -- and we know that
25 there are specific stories out there and not just innuendo and



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1 not just things that people have heard about certain areas or
2 certain neighborhoods, why are they not being investigated?

3 MR. WALLACE: Well, you've got to understand the
4 nature of the beast that you're dealing with in an election
5 judge. These are all volunteers. They do it once every two
6 years or maybe twice every two years. They are very hesitant to
7 call somebody to taw, so to speak, when they think there may be
8 voter impersonation because they're not sure. And unless
9 they -- unless I know you and you come in with Mr. Pena's card
10 and try to present that you're Aaron Pena, then I can call you
11 that. Well, under the law, I can't even do that. So
12 it -- election judges are very hesitant to bring these things
13 forward.

14 We need to provide a way for them to say,
15 you're -- you are not Aaron Pena. I don't know who you are, but
16 you're not Aaron Pena, and you've got Aaron Pena's card. I --
17 you know --

18 MS. HARLESS: Mr. Chairman, may I?

19 CHAIRMAN BONNEN: Well, I don't know if Vice
20 Chair Veasey is finished.

21 VICE CHAIRMAN VEASEY: I'm done. Yes. I'm
22 finished. Thank you.

23 CHAIRMAN BONNEN: Representative Harless.

24 MR. WALLACE: Yes, sir. Thank you.

25 MS. HARLESS: Representative Veasey, we will have



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1 someone here from the AG's office to talk about any specific
2 cases that have been prosecuted.

3 VICE CHAIRMAN VEASEY: Thank you.

4 MS. HARLESS: Thank you.

5 CHAIRMAN BONNEN: Thank you. Any other questions
6 of Mr. Wallace?

7 MR. TAYLOR: If I could just make a comment.

8 CHAIRMAN BONNEN: Sure. Representative Taylor.

9 MR. TAYLOR: I think Mr. Wallace had done a
10 pretty good job of laying out the fact that it's very difficult
11 to prove, unless you absolutely know the people. And the idea
12 that we have a loophole out there that people are aware of that
13 could be driven through with a truck and we just allow that to
14 continue without closing that loophole, basically, we can't
15 prove a case, it's almost unprovable at this point is a little
16 bit of a stretch. And I think Mr. Wallace has done a good job
17 of presenting his view. Thank you.

18 CHAIRMAN BONNEN: Representative Aliseda. We
19 have a lot more witnesses than just him. So --

20 MR. WALLACE: I'm not the only one.

21 CHAIRMAN BONNEN: Well, we're -- we're not --
22 believe me, we're not waiting for any expert.

23 MR. WALLACE: I'm one of these volunteer experts.

24 MR. ALISEDA: There's two purposes served by this
25 statute.



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1 MR. WALLACE: Yes, sir.

2 MR. ALISEDA: Is that not correct?

3 One is to stop actual voter fraud, and the other
4 is to --

5 MR. WALLACE: Whatever voter fraud there is.

6 MR. ALISEDA: Voter impersonation. And the other
7 is to build confidence in the system among the citizens --

8 MR. WALLACE: Yes, sir.

9 MR. ALISEDA: -- is that not correct?

10 MR. WALLACE: I would say that, yes.

11 MR. ALISEDA: And there is a perception by the
12 public that there is voter fraud or voter impersonation
13 occurring; is that not right?

14 MR. WALLACE: I believe so.

15 MR. ALISEDA: And it's not because it's a
16 republican or democrat issue. You've cited that even democrats
17 believe voter ID is a requirement, should be a requirement?

18 MR. WALLACE: Yes, sir.

19 MR. ALISEDA: Part of this perception comes out
20 from newscasts, for example, of voter registration drives where
21 Mickey Mouse was registered; is that not correct?

22 MR. WALLACE: That, and even illegal aliens
23 registering people in the Houston area.

24 MR. ALISEDA: All right.

25 MR. WALLACE: I know there's some documented



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1 cases on that.

2 MR. ALISEDA: And you believe that this statute
3 would help instill voter confidence --

4 MR. WALLACE: I do.

5 MR. ALISEDA: -- in the system; is that right?

6 MR. WALLACE: I've been very much supportive of
7 this for the last eight years.

8 MR. ALISEDA: I have no further questions.

9 CHAIRMAN BONNEN: Any other questions, members?

10 Thank you very much.

11 MR. WALLACE: Thank you, sir.

12 CHAIRMAN BONNEN: Thank you.

13 MR. WALLACE: Thank you.

14 CHAIRMAN BONNEN: Chair calls David Carter. He
15 is here to represent himself as a private individual. He is
16 testifying for the committee substitute to House Bill 14. Thank
17 you.

18 MR. CARTER: David Carter, Temple, Texas. I've
19 been an election judge. I retired from the Air Force in 1993
20 and have been functioning as a judge, a clerk, since that time.
21 I've been searching for the logical connection, someplace where
22 I could prove voter fraud. And until about three weeks ago or
23 four weeks ago, I could not find it. I had to just back off and
24 say I really don't have that much concern about voter fraud.

25 But I sat at the desk of Karen Richards, about 30



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1 years' experience in the Secretary of State Elections Division,
2 and I inquired -- I was -- I was asking about what happens when
3 you register to vote and you take that form and you check, "I
4 have not been issued a Texas driver's license/personal
5 identification number or Social Security number"? I said, What
6 happens when you do that? She says, As that -- as that comes
7 from the county up to the statewide voter registration database
8 that she maintains, they automatically send that back to the
9 county registrar, saying put this person on the registration
10 list with an S, with a suspense.

11 Now, suspense normally refers to a voter ID card
12 that's been returned in the mail because they've moved, you
13 know, a couple of blocks over. But it also -- the S also
14 pertains to people who say, I have no ID at all. At that point,
15 all that person has to do to vote under the current Texas
16 election code is wait till the next election, show up with a
17 utility bill that has his name, his or her name, and that
18 address that's on the voter registration list, and they're
19 allowed to vote.

20 In Houston, ACORN and various other advocacy groups
21 are going out in the neighborhoods, going to the homes where
22 there are not registered voters, and they're suggesting to them
23 that they check the one you don't have ID whether -- whether or
24 not they have a driver's license or not. And this checkmark
25 is in the database. Karen Richards can give you a report like



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1 she gave Senator Williams while I was sitting at the desk. He
2 was on the phone with her, asking how many people -- and I'm not
3 sure what geographic area he was looking for, probably
4 Houston -- how many people checked that.

5 There isn't anybody -- you talk about resources.
6 Nobody has the resources to go and check out all these things.
7 There's nobody doing it because they don't have the resources.
8 They don't have the mandate to do it. So my four points for my
9 testimony in the last 15 seconds is this bill is really about
10 proof of citizenship. It's not about fraudulent voters or just
11 ID. The danger of voter fraud is the illegals that come into
12 this country, fraudulently commit perjury, commit -- say they're
13 citizens, and they get automatically on the voter list. That's
14 a problem. And the photo ID kills that problem. It solves it
15 with no changes to registration or anything else. Voter ID is
16 the only thing that can fix the problem.

17 CHAIRMAN BONNEN: Thank you, Mr. Carter.

18 MR. CARTER: Proof of citizenship.

19 CHAIRMAN BONNEN: Representative Hochberg has a
20 question. Mr. Carter, Representative Hochberg --

21 MR. HOCHBERG: Mr. Carter, thank you. You know,
22 I -- since, as you know, DPS is the only one who checks
23 citizenship, not the voter registrar, then I imagine -- let me
24 ask you about a proposal and see -- just get your reaction to
25 it. If ultimately what we're doing here is attempting to, I



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1 guess, overlay the DPS database on top of the voter registration
2 database or essentially make sure that they match, make sure
3 that you can find somebody in DPS, make sure they've been issued
4 a driver's license?

5 MR. CARTER: The Secretary of State Elections
6 Division looks at when the -- if a person should properly fill
7 this form out and say they have a driver's license number, they
8 do check that to make sure the name and the license number
9 match. If they don't match, they send it back and say don't --
10 don't register this person.

11 MR. HOCHBERG: I understand that. And they --
12 and they send back --

13 MR. CARTER: Okay. What was your question then?

14 MR. HOCHBERG: So my question is why do we need a
15 voter registration system at all?

16 MR. CARTER: Well, because the --

17 MR. HOCHBERG: Why don't we --

18 MR. CARTER: Because in the --

19 MR. HOCHBERG: Why don't we just --

20 MR. CARTER: The --

21 MR. HOCHBERG: Let me make sure you understand
22 what I'm asking before I answer --

23 MR. CARTER: I understand perfectly the question.

24 MR. HOCHBERG: -- before you answer the question.

25 Why don't we just chuck this whole system --



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1 MR. CARTER: Swipe the ID card, swipe the
2 driver's license.

3 MR. HOCHBERG: Why don't we just chuck this whole
4 system where we don't have -- we don't have registration at all.
5 And if you've got a driver's license, that's the voter
6 registration for you --

7 MR. CARTER: That's a good --

8 MR. HOCHBERG: -- or you have a state ID.

9 MR. CARTER: It's a good concept because when you
10 early vote, they just swipe your driver's license. You don't
11 show your voter ID card or anything else, and it --

12 MR. HOCHBERG: That's not true, at least where I
13 do it.

14 MR. CARTER: Well -- well, they -- they looked
15 at -- as they swipe your driver's license, it brings up your
16 name and address. It does do that.

17 CHAIRMAN BONNEN: I early vote continually. I've
18 never had my driver's license swiped.

19 MR. CARTER: If you don't have your registration
20 card, they'll take your driver's license. And it will bring
21 up --

22 MR. HOCHBERG: But they don't swipe it.

23 MR. CARTER: Yeah. They do. In Bell County they
24 do.

25 MR. HOCHBERG: Okay. Well, they don't in



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1 Brazoria County.

2 MR. CARTER: Okay. So -- but where they swipe
3 it --

4 MR. HOCHBERG: I want to be clear it's not a
5 statewide --

6 MR. CARTER: Or if they look at it, they see that
7 the name and the address are the same.

8 MR. HOCHBERG: But I guess just back to my
9 question.

10 MR. CARTER: Well, to answer -- to answer your
11 question --

12 CHAIRMAN BONNEN: Well, real -- Representative
13 Hochberg, I want -- I want to be clear. That occurs in some
14 counties, but is not a statewide technology that is being
15 implemented.

16 MR. CARTER: Right. And -- it's either --

17 CHAIRMAN BONNEN: So that's fine. That's --

18 MR. CARTER: Either you swipe it or you look at
19 it.

20 CHAIRMAN BONNEN: No, no. We understand that. I
21 just want to make clear that the ability to swipe is not being
22 done on a statewide basis.

23 Representative Hochberg.

24 MR. CARTER: But they can present the ID and
25 driver's licence.



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1 CHAIRMAN BONNEN: We understand that. We
2 understand that.

3 MR. CARTER: Okay. So the answer to your
4 question is, is down in where I served for 15 years, I went over
5 the precinct maps for all the precincts in Justin County, 100
6 and -- about 101 precincts. Some of them had six people, some
7 of them had 3,500. But those precincts are drawn based on the
8 Port of Beaumont -- excuse me -- the Port of Port Arthur taxable
9 authority. There's all kind of different entities. And these
10 maps are drawn for very specific purposes of the county court
11 and the various taxing and legal agencies. So precinct lines
12 are important. Your address --

13 MR. HOCHBERG: I don't doubt that.

14 MR. CARTER: To simply bring in a driver's
15 license and say I live at this address, I want to vote because
16 the --

17 MR. HOCHBERG: No, no. You'd have to vote in the
18 right precinct.

19 MR. CARTER: You have to give --

20 MR. HOCHBERG: I'm asking if you're concerned
21 that ACORN and other volunteer groups and volunteers from either
22 party are out inexperienced, doing wrong things, then couldn't
23 we solve all the problems that this bill attempts to solve and
24 then a whole lot of others by replacing the existing voter
25 registration system and just letting DPS do that?



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1 MR. CARTER: Well, I'm trying to answer your
2 question. I understand your question --

3 MR. HOCHBERG: Okay.

4 MR. CARTER: -- Mr. Hochberg.

5 The answer to the question is, is that the
6 counties and the various taxing entities have a very big
7 interest in the lines of those maps and the fact that a person
8 is properly pegged in this precinct, not in this precinct.

9 MR. HOCHBERG: Well --

10 MR. CARTER: The -- their driver's license, the
11 encoding on that, or whatever else it is you're asking that they
12 present wouldn't be able to delineate what tax -- the ballot you
13 get. The automated ballot machine, the last time I served as a
14 clerk down in deep west Port Arthur, we had -- on the machine,
15 they have to select, you know -- the ballot that comes up on the
16 screen depends on how they're registered. Registration is a big
17 deal. It's not just to be a citizen of Texas.

18 MR. HOCHBERG: At times it doesn't appear -- it
19 doesn't --

20 MR. CARTER: Beg your pardon?

21 MR. HOCHBERG: It depend -- that -- well, I don't
22 want to -- thank you for your answer. I don't want to--

23 MR. CARTER: Okay. I think that's -- that's a
24 pretty good answer that it's important to be registered
25 properly.



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1 CHAIRMAN BONNEN: Right. Thank you.

2 Representative Veasey has a question.

3 MR. CARTER: Yes, sir, Mr. Veasey.

4 VICE CHAIRMAN VEASEY: One of the things that
5 President Bush tried to accomplish but he was not able to, 43,
6 not 41, was that he talked about bringing people out of the
7 shadows and trying to pass the immigration reform bill so people
8 could assimilate into society and work, become citizens. And I
9 specifically remember the term, you know, bringing people out of
10 the shadows. Why would people that are in the shadows, why
11 would they want to risk a jail sentence by casting a vote as an
12 illegal alien?

13 MR. CARTER: That's a very good question. The
14 question, if I understand it, is why would somebody risk going
15 to jail? But down here it says I --

16 VICE CHAIRMAN VEASEY: Especially someone that
17 likes to live in -- live in the shadows.

18 MR. CARTER: -- I am a resident. I have not
19 been, da, da, da, and I sign this. And it says: I understand
20 giving false information to procure voter registration is
21 perjury and a crime under state and federal law. Jail up to 180
22 days. That would make it a misdemeanor, I believe, less than a
23 year. Fine up to \$2,000.

24 So why would a person risk this? It's because
25 there is no enforcement activity. There's no history in the



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1 secretary -- in the attorney general's office or any of the
2 county offices. There isn't anybody with the resources or the
3 time to go out and do this, to verify these things. They
4 can input what they want, and they are, in fact, doing it. And
5 if I were -- if I were a representative, I would introduce a
6 bill to put everyone in the state on suspense, and they would
7 have to show proof of citizenship because that's the first
8 question: Are you a United States citizen? People are lying
9 about that. They're fraudulently registering, and they're
10 fraudulently voting, and they'll continue to do so.

11 CHAIRMAN BONNEN: Thank you.

12 Representative Gutierrez.

13 MR. CARTER: Yes, sir.

14 MR. GUTIERREZ: I'm sorry. He made me laugh.

15 I appreciate your testimony.

16 MR. CARTER: Thank you.

17 MR. GUTIERREZ: Let me ask you this: So it's
18 your contention that there's hoards of illegal immigrants coming
19 to vote in Texas?

20 MR. CARTER: Yes.

21 CHAIRMAN BONNEN: Really?

22 MR. CARTER: I'm on the border. I watch them
23 come across. I'm in Bell -- Bell County.

24 CHAIRMAN BONNEN: Well, Mr. Carter, you're
25 not representing that they're coming here for the pure purpose



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1 of voting. You're suggesting that there are a number --

2 MR. CARTER: No. I just answered the question.
3 He said there's a lot of them that are voting, yes.

4 CHAIRMAN BONNEN: I'm not questioning you on
5 that. His comment was that they are coming here for that
6 purpose.

7 MR. CARTER: Oh, I didn't --

8 CHAIRMAN BONNEN: Correct.

9 MR. CARTER: I didn't hear that part of the
10 question. Is that what you said? You asked if they're coming
11 here for -- for voting?

12 MR. GUTIERREZ: Let me rephrase.

13 It's your contention that there's hoards of
14 illegal immigrants that come to the United States for whatever
15 reason and just choose to go to the ballot box to go cast their
16 vote and commit voter impersonation?

17 MR. CARTER: Well, that's an important thing.
18 They -- I think it's important for this -- all the members of
19 this committee to have a clear distinction between voter
20 impersonation and being a non-citizen. I think the problem of
21 voter impersonation is a minuscule problem, and it's very hard
22 to do, and I think that having -- getting three fake IDs would
23 be a real problem. I don't worry about that. I worry about a
24 20 percent increase in the state population of illegal aliens
25 coming across in McAllen and Mission and points further west,



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1 Laredo, and not being caught by Border Patrol and not being
2 detected in the interior --

3 CHAIRMAN BONNEN: We -- Mr. Carter --

4 MR. CARTER: -- and they're registering to vote.
5 They are being registered.

6 CHAIRMAN BONNEN: Mr. Carter. Mr. Carter, with
7 all due respect, this is about voter ID --

8 MR. CARTER: I answered the question.

9 CHAIRMAN BONNEN: Well, I understand. It is not
10 an issue about whether our borders are secured and those type of
11 things or --

12 MR. CARTER: Excuse me. I didn't mean to imply
13 that.

14 CHAIRMAN BONNEN: I understand. But let's stay
15 on the issue of voter ID.

16 MR. CARTER. Okay. Okay. His question, though,
17 is about if they're coming across.

18 CHAIRMAN BONNEN: I understand his question.

19 MR. CARTER: And the photo ID, this -- this
20 bill -- this bill will stop that practice.

21 MR. GUTIERREZ: His response, Mr. Chairman,
22 brings about the next question.

23 CHAIRMAN BONNEN: I figured it would.

24 MR. GUTIERREZ: So they're out there voting --

25 MR. CARTER: Uh-huh.



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1 MR. GUTIERREZ: -- and you stated that this is
2 not voter impersonation. Are they voting as Juan Valdez or, you
3 know --

4 MR. CARTER: No. They're voting under the name
5 that they pay their utilities at, where they've been housed and
6 illegally harbored --

7 MR. GUTIERREZ: Yeah.

8 MR. CARTER: -- in violation of federal law. And
9 they check I'm a U.S. citizen, and they get to vote.

10 MR. GUTIERREZ: So hoards of illegal immigrants
11 are voting?

12 MR. CARTER: Okay.

13 MR. GUTIERREZ: All right.

14 MR. CARTER: Yes. Absolutely.

15 MR. GUTIERREZ: Very good.

16 MR. CARTER: That's my concern.

17 MR. GUTIERREZ: And yet no district attorney has
18 found it --

19 MR. CARTER: No.

20 MR. GUTIERREZ: -- no law enforcement's found it.

21 MR. CARTER: Nobody has the task to verify this.

22 MR. GUTIERREZ: So they're like a ghost?

23 MR. CARTER: You might want to appropriate some
24 money and give them some money to do it, let them go do it.

25 CHAIRMAN BONNEN: Representative Pena has a



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1 question.

2 MR. GUTIERREZ: Very good. Thank you, sir.

3 MR. CARTER: Yes, sir.

4 MR. PENA: I live down in McAllen, Edinburg area.

5 MR. CARTER: Great.

6 MR. PENA: And I support the voter ID bill.

7 MR. CARTER: Thank you.

8 MR. PENA: But I want -- I just want to make the
9 record clear. There really aren't hoards of illegal immigrants
10 voting. I observe elections quite closely, and I do have a lot
11 of complaints about areas of voter fraud that need to be
12 addressed, but this is really not something the general public
13 should get riled up about.

14 In my experience, and I've -- you know, I've been
15 involved in politics for a long time. I've simply not seen
16 large numbers of illegal immigrants voting. So I think we need
17 to move on to things that --

18 CHAIRMAN BONNEN: Right.

19 MR. PENA: -- that are probably -- that we can
20 address. Because I don't see that problem. And I'm there, and
21 I support the bill. And you'll see other people here from the
22 audience from South Texas who will probably tell you the same
23 thing.

24 MR. CARTER: Okay. Well, I support the bill
25 because it would fix the problem whether it exists or not.



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1 CHAIRMAN BONNEN: That really wasn't the
2 question, though. Thank you.

3 MR. CARTER: Okay. All right.

4 CHAIRMAN BONNEN: Thank you, Representative Pena.
5 Any other questions of Mr. Carter?

6 Thank you very much for being here, Mr. Carter.

7 MR. CARTER: Thank you.

8 CHAIRMAN BONNEN: William Butch Marsalis.

9 MR. MARSALIS: Marsalis.

10 CHAIRMAN BONNEN: Marsalis.

11 MR. MARSALIS: Yes, sir.

12 CHAIRMAN BONNEN: Thank you, sir. Okay. If
13 you'd let me finish introducing you, I'd appreciate that.

14 MR. MARSALIS: Okay.

15 CHAIRMAN BONNEN: He's president of the Panola
16 County Conservatives, Panola County Conservatives. He is here
17 to testify for the committee substitute to House Bill 14. Thank
18 you.

19 MR. MARSALIS: Thank you, sir. And I apologize.

20 Lady and gentlemen, my wife, Karen L. Marsalis,
21 and I, William R. Marsalis, from Panola County, Texas. We
22 strongly support passing without amendment and without exception
23 Texas Senate Bill 14 to require a photo ID to be allowed to
24 vote. We are both 65. And when we applied for Social Security,
25 we were required to show a photo ID and our Social Security



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1 card. Our bank requires a photo ID in order to cash checks,
2 particularly above a certain dollar amount. The other day at
3 Wal-Mart, I was required to show a photo ID in order to use my
4 credit card --

5 CHAIRMAN BONNEN: Sir.

6 MR. MARSALIS: -- to make purchases.

7 CHAIRMAN BONNEN: Are you supporting the
8 substitute to the bill or --

9 MR. MARSALIS: No, sir. I'm -- I'm supporting --

10 CHAIRMAN BONNEN: So you're not here to
11 testify on this --

12 MR. MARSALIS: -- without -- in support. I'm
13 supporting without amendment.

14 CHAIRMAN BONNEN: Are you testifying on the
15 substitute?

16 MR. MARSALIS: I read the substitute, and I -- I
17 support the bill without those amendments and --

18 CHAIRMAN BONNEN: Without --

19 MR. MARSALIS: -- without the exceptions. No
20 exceptions.

21 CHAIRMAN BONNEN: Okay.

22 MR. MARSALIS: No exemptions, I should say. I
23 think the wording was exemptions.

24 CHAIRMAN BONNEN: Okay. So then you oppose the
25 substitute. Because the bill, as passed through the Senate, and



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1 the substitute both have exemptions.

2 MR. MARSALIS: I would really rather see it
3 without exemptions, but I support --

4 CHAIRMAN BONNEN: I understand.

5 MR. MARSALIS: -- having a photo ID required to
6 vote.

7 CHAIRMAN BONNEN: Okay. So are you testifying
8 for the substitute, because that's what's before us?

9 MR. MARSALIS: I am supporting a photo ID with --

10 CHAIRMAN BONNEN: I understand that.

11 MR. MARSALIS: Yes, sir.

12 CHAIRMAN BONNEN: Are you --

13 MR. MARSALIS: Yes, sir.

14 CHAIRMAN BONNEN: -- testifying on the
15 substitute?

16 Thank you.

17 MR. MARSALIS: Yes, sir.

18 CHAIRMAN BONNEN: That's what I needed to hear.

19 MR. MARSALIS: All right. Also, when I entered
20 Fort Belvoir Army post to visit our son, we was required to show
21 a photo ID in order to get on the post. In 2009, at the
22 Marshall Lowe's, I was required to show a photo ID to buy a lawn
23 mower battery. We understand and agree totally with having
24 photo ID to prove who we are to our bank, to the Social Security
25 Administration, to Wal-Mart, to anyone else. We do not



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1 understand showing a photo ID to buy a lawn mower battery;
2 however, we did without complaint.

3 We do not require to show a photo ID to vote. With
4 the ease of registering to vote, the system is ripe for abuse.
5 The only logical explanation or reason that I can see and my
6 wife can see and the Panola County Conservatives can see with
7 opposing the requirement to have a photo ID to vote is to keep
8 the situation ripe for abuse and to ease -- easier for people to
9 vote multiple times or to vote for someone else's voter card.
10 Please pass this Senate Bill 14 to require a photo ID to be
11 required to vote. Thank you.

12 CHAIRMAN BONNEN: Thank you very much for being
13 here.

14 Any questions, members?

15 Thank you. Appreciate having you here today.

16 Cynthia Le Pori -- I hope I got that
17 right -- representing yourself, is here to testify for committee
18 substitute to Senate Bill 14.

19 MS. LE PORI: Yes. Hi. I'm not representing any
20 large group of people. I'm just representing myself as a U.S.
21 and Texas citizen. I do not understand why --

22 CHAIRMAN BONNEN: Would you -- I -- ma'am --

23 MS. LE PORI: Excuse me?

24 CHAIRMAN BONNEN: -- and for everybody, when you
25 come up to testify, I know it's peculiar because I've just said



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1 your name and called you up, but please, when you come up, for
2 the record, we need you to state your name.

3 MS. LE PORI: Oh, I'm so sorry.

4 CHAIRMAN BONNEN: For the -- no, no, no. No, no.
5 It's okay.

6 So just for everybody, please state your name and
7 that you're testifying for the committee substitute or against
8 the committee substitute, and then you can go from there. Thank
9 you.

10 MS. LE PORI: Okay. Sorry about that.

11 CHAIRMAN BONNEN: No, no, no. You're okay.
12 Thank you.

13 MS. LE PORI: Here's my question. If we do
14 have --

15 CHAIRMAN BONNEN: All right. Well, would --
16 would you go ahead and do that, though?

17 MS. LE PORI: Cynthia Le Pori. I'm sorry.

18 CHAIRMAN BONNEN: Thank you. There you go.

19 MS. LE PORI: I'm Cynthia Le Pori.

20 CHAIRMAN BONNEN: And you're for the committee
21 substitute --

22 MS. LE PORI: And I am -- yes, sir, I am.

23 CHAIRMAN BONNEN: -- for Senate Bill 14.

24 Thank you. Could you say that for us?

25 UNKNOWN SPEAKER: Start her time over.



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1 CHAIRMAN BONNEN: Yeah. We'll handle the time,
2 sir. We --

3 MS. LE PORI: Well, actually, I don't need you to
4 start my time over --

5 CHAIRMAN BONNEN: Okay.

6 MS. LE PORI: -- because I don't really have a
7 whole lot to say.

8 CHAIRMAN BONNEN: Okay. Would you say that
9 you're testifying for the committee substitute Senate Bill 14?

10 MS. LE PORI: Yes, I am.

11 CHAIRMAN BONNEN: Thank you.

12 MS. LE PORI: Uh-huh.

13 Here's my question: If we do have to show an ID,
14 a picture ID, for something as simple as cashing a check, which
15 is completely understandable, why would it make sense for anyone
16 not to have to show a picture ID for someone to do something as
17 serious as vote? It just doesn't make any sense to me. I think
18 it's ridiculous. I think we have to prove as citizens -- we
19 have to prove our ID for some of the simplest things, so it's
20 just common sense to me. Let's bring some validity and some
21 honesty to our voter process. And that's my only comment.

22 CHAIRMAN BONNEN: Great. Thank you very much.

23 Any questions, members?

24 Thank you. Appreciate your being here.

25 Robert Green, a -- representing himself, a



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1 retired state employer -- or a state employee for 30 years is
2 here to testify for Senate Bill -- committee substitute Senate
3 Bill 14.

4 MR. GREEN: Mr. Chairman, members of the
5 committee, my name is Bob Green, and I am a 30-year state
6 employee, still active. I still have a couple in college, so I
7 owe, I owe, so it's off to work I go.

8 But yes, I am here today to testify in favor of
9 the committee substitute for Senate Bill 14. I have submitted a
10 little -- very small, one-page bit of testimony, and I -- most
11 of the other people who have come up here before I have spoken
12 have talked about many of the points that are pertinent to this
13 situation. And I'd like to just say that it all boils down to a
14 very simple situation. I am a deputy voter registrar also here
15 in Travis County. And if I'm sitting behind the desk and
16 someone presents them self in front of me, one basic principle I
17 think is important to everybody, that one identifiable
18 individual who is not otherwise disqualified from casting a
19 ballot in the election being held and at the polling place where
20 he or she appears in person to do so equals one eligible voter.
21 That's what this whole thing boils down to.

22 It's not like we're trying to reinvent the wheel
23 or anything else. People have mentioned the fact that just
24 virtually every business transaction that we carry out in person
25 requires the presentation of a voter ID, a picture ID, so that



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1 that individual knows that the person that's presenting the
2 credit card or is signing the piece of paper or what, that they
3 are the person that is there, that they can be identified. And
4 that's really all I have to present to this committee. It's as
5 simple as that, is that we need to maintain the integrity of
6 our -- of our vote, of our election. It's all about integrity,
7 and it's all about the reputation of our country, and so that
8 people can feel confident in our election process.

9 CHAIRMAN BONNEN: Thank you very much.

10 MR. GREEN: Thank you.

11 CHAIRMAN BONNEN: Any questions, members?

12 Thank you, Mr. Green.

13 MR. GREEN: Thank you.

14 CHAIRMAN BONNEN: Appreciate your being here.

15 Mr. Bledsoe, have you filled out your witness
16 affirmation?

17 MR. BLEDSOE: Yes, sir. Let me grab it.

18 CHAIRMAN BONNEN: Would you please bring it
19 forward. We'd like to call you up at this time as one of our
20 expert witnesses. Sorry to do that to you, but we want to get
21 these experts up early. Mr. Char will take that affirmation.

22 MR. BLEDSOE: Okay. Sure. I think he -- yeah --
23 has already handed it in. So we already have that.

24 CHAIRMAN BONNEN: Oh, very good.

25 This is Mr. Gary Bledsoe representing the NAACP,



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1 and I imagine you're here to testify against the committee
2 substitute Senate Bill 14?

3 MR. BLEDSOE: That's correct. That's correct.

4 CHAIRMAN BONNEN: Very good. Thank you, Mr.
5 Bledsoe. Go ahead and state your name for the record and begin.
6 You have ten minutes --

7 MR. BLEDSOE: Okay.

8 CHAIRMAN BONNEN: -- and then the committee will
9 be able to ask you questions.

10 MR. BLEDSOE: Okay. Thank you very much.

11 CHAIRMAN BONNEN: Thank you, Mr. Bledsoe.

12 MR. BLEDSOE: I want to thank all of you for
13 giving me the opportunity to appear before you. And I appear
14 here --

15 CHAIRMAN BONNEN: Mr. Bledsoe, don't forget to
16 state your name and -- and who you're with for the record.

17 MR. BLEDSOE: Okay. My name is Gary Bledsoe.
18 I'm the president of the Texas State Conference of NAACP
19 branches. And I'm here as a fellow Texan to discuss with you
20 what I feel is a proper direction for us to move in if we're
21 going to be fair and right.

22 Now, we've observed that many activities have occurred
23 within our state that have been somewhat problematic, that have
24 caused individuals to feel as though it's appropriate to
25 intimidate minorities from voting. And indeed, each election



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1 cycle we have election teams. And our election teams around the
2 state are required to submit information to us and work with us
3 from what's called an election central to work on issues of
4 election intimidation, election irregularities.

5 And we have found numerous problems in many
6 places around the state, whether it's Harris and Fort Bend not
7 allowing individuals to exercise challenged ballots, whether
8 it's individuals who are intimidating persons within the voting
9 site, whether it's individuals in Bell County who are being
10 accosted and interrogated by individuals. But the election
11 officials are not stepping in to assist the voters. So we've
12 seen problems recently, whether it's Texarkana or Fort Worth or
13 Wharton County or Harris County. The election irregularities
14 are everywhere.

15 And so the fundamental point we want to make is
16 that the Voting Rights Act would suggest to us that we should do
17 what we can to ensure minority participation in voting. And
18 we've seen a much larger problem with the issue of voter
19 intimidation and voter irregularities than we've seen with the
20 issue of the need for an identification. The evidence just is
21 not there to say that we need a voter identification
22 requirement. However, I understand that other people have
23 different points of view.

24 Our point of view is that if you do desire to go
25 ahead and address the issue of voter identification, that you do



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1 that in a way that is measured, that is intended to ensure
2 minority participation in the election system so that we can
3 comply with the Voting Rights Act and so that all people will
4 have an opportunity to participate in the process. What we
5 feel, what our position has always been is that we want both
6 parties competing for the minority vote and not to have any
7 individual saying that we want you -- we want to cut you out
8 because you vote a certain way; so therefore, we're going to
9 stop you from being able to vote.

10 We think what the Voting Rights Act suggests is
11 that if you empower minorities with the power to vote, that
12 parties should go out and compete with ideas and not with
13 activities that will undermine the ability of African-Americans
14 to be able to vote.

15 You know, in Texas, we have a sordid history in
16 reference to African Americans not being able to vote. You
17 know, back in 1974, in Palestine, Texas, Frank Robinson, who
18 had -- was a legendary civil rights advocate who was working to
19 get African-Americans registered when that was somewhat new in
20 our state, was actually killed at his home. And 1974 is not
21 that long ago, my friends. And so -- and we still continue to
22 have the problems that we had.

23 Now, as far as the -- I know much has been made
24 of the laws in other states. And I would say that if we took a
25 look at the Indiana law and took a look at the Georgia law,



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1 those laws are better than the law that's actually put forth
2 before you. And indeed, Georgia is a covered jurisdiction. But
3 there's one thing that's very different about Georgia that we
4 don't have in this state. In Georgia, they -- they had a law
5 that mandated that every citizen in the State of Georgia had to
6 have -- had to have a state issued identification card, whether
7 it's a driver's license or some other identification. This is
8 the -- and I get this from the source of the United States
9 Department of Justice. And so when they implemented the
10 requirement, everyone in Georgia had the voter identification
11 card. And so here we know that number is -- that we have a
12 significant number of people who don't have the proper
13 identification. And I know last time when there was a lot of
14 discussion about compromise and there was some compromises that
15 were reached in reference to a proposed voter identification
16 bill, that there were many other ways, more, many more than what
17 are provided in this bill, that would enable someone to actually
18 prove that they are who they say they are.

19 You know, we have a great concern with the
20 hostility that we've observed from election officials around the
21 state that -- we have a great concern that they will be fair,
22 that those election officials will exercise their authority in
23 an even-handed way. When you're not allowing people to cast
24 challenged ballots, that's a problem. And so what we want is to
25 suggest that let's provide other means and measures, and the law



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1 should provide guidelines, because when you allow too much
2 discretion without direction to an election official then we
3 understand that they will probably be exercised in a way that is
4 not fair across the board. And so when you arm them with so
5 much information or so much authority, we think that's
6 problematic.

7 Now, the -- some of the activities that we have
8 identified, I've laid out to you, but I want to talk
9 specifically about the laws. You know, I think that, indeed,
10 when you allow an individual -- we need to have more time to
11 allow an individual to go in and to prove who they are if we're
12 going to have a voter ID requirement. Because let's stand back.
13 We have a law that says you should allow someone to have two
14 hours off if you're going to go and vote. But we don't have the
15 same opportunity for an individual to come in and to prove that
16 they are who they say they are, to go ahead and consummate what
17 needs to be consummated with their challenged ballot.

18 Now, the people who are likely to be challenged
19 are, by and large, people who have jobs, who have got to work.
20 They're individuals who won't have the latitude. And let's say
21 we live in some other county and outside the county, and you've
22 got to drive 50 miles to the county seat or what have you to be
23 able to do this. And so that's problem.

24 Now, the other problem too is when we look at the
25 number of people who don't have the requisite kinds of



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1 identification cards that -- what will be in place to really
2 enable those individuals to be able to register and vote. I
3 think the one thing that's clear is that there are a number of
4 locations within our state such as down in Presidio County where
5 people who may be of limited means, who don't have a ready
6 availability of transportation, are not going to be able to
7 easily afford or afford at all to go and -- to go to the nearest
8 driver's license office 50, 75 miles away and to get a driver's
9 license. So those individuals are going to be in a very
10 difficult position because the logistics just aren't there for
11 them. So I think that it needs to be a lot friendlier in terms
12 of the ability to get an identification requirement.

13 You know, the law -- and I think that the criminal
14 provision in the law, where you've stepped up the penalty in the
15 proposal to a second degree felony, is somewhat draconian. I
16 think current law allows for felony prosecution. I think
17 stepping this up to a second degree will have a chilling effect
18 on individuals. We know the case about the Prairie View 19 in
19 Waller County where that county continues to have problems. You
20 know, that was the county a few years back that had numbers of
21 votes that were registered or applications for voter
22 registrations for African-Americans that were not processed
23 before the election. And it was only after the attorney
24 general's office was there and observed those that they were
25 required to go ahead and process those applications. But those



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1 voters were not allowed to vote. And I'm talking about things
2 in current days. These are not things from yesteryear. These
3 are not things from 10, 20 years ago. So we have a lot of
4 problems there we're seeing. So in a wholistic way, we don't
5 think we need a law, but if we do, let's get a law that's fair
6 where minorities can continue to compete and to be part of the
7 process.

8 CHAIRMAN BONNEN: Thank you, Mr. Bledsoe.

9 MR. BLEDSOE: Thank you, sir.

10 CHAIRMAN BONNEN: Appreciate your time today.
11 Representative Taylor has a question.

12 REPRESENTATIVE TAYLOR: Did I had hear you say
13 that the Georgia and Indiana laws are better than what is being
14 proposed here?

15 MR. BLEDSOE: Yes, they are.

16 REPRESENTATIVE TAYLOR: The only thing you
17 referred to different was the time to provide proving who you
18 are, correct? After the -- you don't have photo ID so you have
19 two days, six days, ten days to present proof?

20 MR. BLEDSOE: That's one item.

21 REPRESENTATIVE TAYLOR: And I'm just --

22 MR. BLEDSOE: Their laws are not the same.

23 REPRESENTATIVE TAYLOR: Because Georgia only
24 allows two days and this bill as proposed allows six days. So
25 I'm just curious what other areas do you think the Indiana and



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Georgia laws are better than what's being proposed here?

MR. BLEDSOE: Okay. The -- one thing is Georgia allows a valid employee ID card containing a photograph from any branch, department, agency or entity of U.S. government or Georgia or any county, municipality, board, authority or other entity of the state. I think that's large. It allows valid tribal identification cards. The -- it also does provide -- and I think this committee substitute may have addressed this part, but I remember the idea about the part of the expired driver's license, that you could have an expired driver's license and actually have that work as well. I know in Indiana the -- any state, federal, local government employee identification was permitted there. The -- let's see here.

In Indiana and Georgia the hard data that existed -- there was hard data that both Indiana had and that Georgia had that did show that almost every eligible voter had the identification. I don't think we've generated the hard data here to do that. And I do think that there were student identifications that were permitted in one or both of those states. So I think there were a number of areas of the types of identification. And, indeed, I think Indiana had a longer period that allowed you to come in and to prove. So I think there were other --

MR. TAYLOR: Your main concerns would be on what types of photo ID are required, is the main difficulty you have



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1 between the Indiana/Georgia versus the SB-14 as proposed?

2 MR. BLEDSOE: That's one of the reasons, yes.
3 And that's really kind of very important. And I think that
4 there was an exception I think in Indiana that allowed for
5 various substitutes outside the process or what was identified,
6 and I don't think that was provided for in Georgia because
7 everyone in Georgia already had the photo ID.

8 CHAIRMAN BONNEN: Thank you. Any other
9 questions, Representative Veasey?

10 REPRESENTATIVE VEASEY: Gary, thank you for
11 coming to testify this morning. And I want to thank you for
12 your service to NAACP for so long. The NAACP has never out --
13 the NAACP has never been a popular organization because of the
14 stances that y'all have taken on civil rights issues. I went to
15 the Civil Rights Museum at Troy State in Montgomery, Alabama and
16 was reading about some of the bus boycotts with Rosa Parks and
17 some of the other activities to register people to vote. And if
18 you were a member of the NAACP back then, you could actually
19 lose your job. So a lot of the maids and servants and people
20 that worked at country clubs and worked in doctors' offices and
21 things of that nature, they would actually try to keep it a
22 secret that they worked at the NAACP because they risked not
23 being able to earn a living or yet maybe even have their life
24 threatened. And you fast forward to today, and, you know, we
25 know what happened at the NAACP banquet last year with the



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1 doctor tapes and with Dr. Laura ranting and raving about the
2 NAACP, amongst other things. And y'all are still going strong,
3 and thank you very much.

4 MR. BLEDSOE: Thank you.

5 REPRESENTATIVE VEASEY: I wanted to ask you about
6 Voting Rights Act. And I think the thing that concerns me about
7 this bill was that the Voting Rights Act, one of the things that
8 it sought to dismantle were some of the barriers that were
9 placed in front of voters who were trying to register to vote or
10 cast a ballot, particularly African-American voters. So there
11 were literacy tests. There were poll taxes. There were
12 quizzes, how many bubbles in a bar of soap? Who was a better
13 president, Abraham Lincoln or George Washington, different
14 things like that. And those serve as sort of a barrier, or
15 you're putting something in front of someone that's making it
16 very difficult for them to exercise their suffrage. Have you
17 seen any bills that have been passed on the Texas legislature
18 since the implementation of the Voting Rights Act that has been
19 as burdensome to voters as this bill? Because and I was trying
20 to think. You know, I've been here four sessions now and have
21 worked in politics a little bit longer than that, but I cannot
22 recall, myself, any other sorts of laws that have been advanced
23 or even attempted to be advanced that would place such a burden
24 back onto the voters pre the Voting Rights Act.

25 MR. BLEDSOE: Clearly, Represent Veasey, it's



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1 very true that this is one of the most burdensome bills that has
2 been proposed because, obviously, the upshot, you can almost
3 take it to the bank to say that when the bill is passed, when
4 the bill goes into effect -- I guess the relevant question is if
5 you look at the numbers of voters that we have today.

6 REPRESENTATIVE ANCHIA: Mr. Chairman, just really
7 quickly. I apologize, Mr. Bledsoe. I'm very distracted. Mr.
8 Green in the front row keeps mouthing the words "bullshit" over
9 and over again. I find it extremely offensive as he is -- Mr.
10 Bledsoe is trying to testify here. I saw it once and I let it
11 go. You've done it twice. So I'd ask that you admonish members
12 of the audience not to be disrespectful to the people who are
13 testifying.

14 CHAIRMAN BONNEN: Appreciate that, Representative
15 Anchia. We would ask that any reactions to the witnesses and
16 their comments be kept to yourself. And thank you, Mr. Bledsoe.
17 You may continue.

18 MR. BLEDSOE: Sure. This would be the requisite
19 question. If you take a look at the voters now, there is a
20 circle of voters and these are the voters that are eligible to
21 vote. The question is once this law is passed, what will the
22 new circle of voters look like who are eligible? And as a
23 secondary question, what is provided in the statute if there is
24 a difference to make up the difference to make sure that there
25 is not a diminution or a suppressed or lower minority vote?



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1 And so I think if we take a look at that, and
2 when you look at the specific IDs that are selected here and you
3 then you look at the availability of how you can come and to
4 prove that you are the person that you are, and with the wide
5 discretion that is allowed to someone if there is a one letter
6 wrong in a name, they've got the wrong middle initial, issues
7 like that, with that kind of discretion, if you look at that the
8 number of voters is going to be significantly lower in the new
9 circle.

10 And the law is not going to enable people in the
11 new circle to -- or people outside the new circle to come in and
12 make it look like the current circumstance. So I think that's
13 problem number one on the Voting Rights Act. I think clearly
14 you are going to be disenfranchising minority voters. There's
15 no question about that in terms of who has the IDs, who doesn't
16 have the IDs and who is going to be victimized by election
17 officials. Training is good, but I think training is really up
18 to the individual. I think things really need to be in a
19 statute that really lay it out.

20 There are also other concerns that we have. You
21 know, the -- if you allow individuals to engage in intimidation
22 within a voting site, that's a serious problem. And no one's
23 really talked about that issue. But we had a huge problem in
24 Harris County with that this last time. We do know that
25 minority voters in Bell County and in Bowie County were



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1 intimidated and interrogated by individuals who had no right to
2 do that about how they might have voted. And people were
3 allowed to be around voting sites with intimidating signs and
4 accost voters. We think that's a problem because that continues
5 to exist and will suppress the vote. We're saying is let
6 everybody vote and vote the way that whatever their conscious
7 might be.

8 When we look at the history of our state,
9 Representative Veasey, and we talk about the issues with the
10 NAACP, those things have lasted for many, many years. You know,
11 back in 1919 there was an attempt by the State to get NAACP
12 rolls and shut down the NAACP, and then it happened again in the
13 1950s. The head of the NAACP, back in 1919, John Shillady, a
14 white male, was beaten near death near where we are right now.
15 And when the governor was asked about it by the New York Times,
16 he said there was only one culprit and that that culprit has
17 already been punished. So we've had that kind of history that
18 truly continues. But we always reach out to try to be
19 bipartisan. We're happy to have, like, for example, our number
20 members, secretary, Rob Page. He's always been somebody we work
21 with on some of the standards issues. So we try to reach out to
22 both parties to say that we are bipartisan. So when we come
23 before you, you know we're not saying things for one reason or
24 another that's partisan interest. We're saying it because
25 really and truly this bill will have a negative impact on the



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1 minority vote, and you can take that to the bank. It's a
2 different -- we're a covered jurisdiction. Those other
3 jurisdictions, at least Indiana, is not covered. Georgia had
4 the law where everybody had the ID. That's a big difference
5 from what we have right now.

6 REPRESENTATIVE VEASEY: Gary, does the NAACP have
7 any opinions on why maybe Texas would want to pass a more
8 stringent law than Georgia or Indiana?

9 MR. BLEDSOE: Well, I mean, I think that one
10 thing that seems to be occurring, and that is, you know, we have
11 a large Hispanic population. And what I'm concerned about is
12 that there is a great concern, in other words, to make sure that
13 the Hispanic population does not vote at certain levels. And so
14 if there was some -- if you could show me evidence where in this
15 county somebody had an identification or they voted and they
16 weren't who they said they were, but it just is not a problem.
17 I don't think many people -- let's think about this. You're
18 going to go out there in public, currently, and you're going to
19 walk up to a polling site with people looking at you and you're
20 going to say that you're someone other than who you are. And
21 you're going to -- and it's already a felony for you to do that.
22 I think the current law discourages people from doing that.
23 That's why we haven't seen prosecutions around the state. There
24 may have been one or two over the years. It's really not a
25 problem.



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1 Voter intimidation, the lack of fairness by
2 election officials, those are much larger problems than people
3 voting who aren't who they say they were. That's a fiction.
4 Someone looks at the law and they believe that this is a
5 potential problem. But it hasn't been shown, because I do think
6 you put yourself at risk if you go and vote and you're not who
7 you say you are. So there's not really a need for that. So
8 this bill will have a great impact on African-Americans. I
9 think it will have an even more enormous impact on the Latino
10 community.

11 REPRESENTATIVE VEASEY: If some of the folks got
12 up and testified earlier, said they were concerned about the
13 integrity of the voting process in Texas; they don't have
14 confidence in the voting process in Texas, how would, you know,
15 folks that are different from them feel about the voting process
16 in Texas if barriers and burdens were placed in front of them
17 and they were not able to go and vote? Because I understand
18 their sentiments and what they're saying, but my biggest concern
19 is that, okay, you pass a very stringent law and you make it
20 hard for people to vote, and in particular make it hard for
21 people that let's say that live in my district or districts like
22 mine around the state, you make it hard for them to vote. Well,
23 then, also they would, in turn, end up not having, you know,
24 confidence in the voting system. And already there are issues
25 with other forms of voting that I think the people in my



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1 district have issues with. And just wanted you to kind of
2 address that too, that you want to have a fair system and a fair
3 process because you don't want anyone to feel like that the
4 system is not one that is of integrity.

5 MR. BLEDSOE: Well, you know, I think in many
6 ways Texas has an exemplary system because I think we have
7 evolved. And I think that you -- by allowing people to -- we
8 have -- we allow people who have been on paper, who have had
9 felony convictions, once they're off paper to vote. That's
10 somewhat progressive.

11 REPRESENTATIVE VEASEY: In the South, that's very
12 progressive, absolutely.

13 MR. BLEDSOE: So Texas has kind of evolved. And
14 when we've come over here in years past and we've put out our
15 report card, you have numbers of both parties that get A's or do
16 well on the NAACP report card. But I see that there is a
17 movement in this country to really push back. There's a lot of
18 anti minority sentiment for various reasons that seems to be
19 occurring. And I feel that that anti minority sentiment is at a
20 root of some of these issues relating to voter identification
21 because there's no -- unless you can show me the facts, and I
22 defy anyone in the room to come forward and show me the facts
23 where you've had a problem with people misrepresenting who they
24 are. You may have one or two instances of that over all these
25 years. So that's not a problem.



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1 So we're here, and this is going to put an
2 additional obstacle on people to prevent them from being able to
3 vote. And I don't think that -- and I think this would impact
4 any community if something was put up in place to undermine them
5 from their ability to be able to exercise their right to vote.

6 You know, if someone -- if someone has mail that
7 shows that they work at a certain address, like in the bill that
8 we worked on last time and Representative Anchia kind of led
9 some efforts to compromise, why does that not have integrity?
10 Why is it that you have to have the identification? And then we
11 go again back to the PV19 where those young students were all
12 wrongfully prosecuted, and they were who they said they were.
13 So there's been more of a problem on the other side than there
14 is for voters doing that. But this is again on minority voters.

15 So we think that this is going to be a bill
16 that's going to have a real problem with pre-clearance and that
17 you can't just look at Georgia and say Georgia is pre-cleared
18 because Georgia could show straight up that this is not going to
19 have a disadvantage. We can't show that. That's not true here.
20 And the numbers of people who are not in that new circle, I
21 think those numbers are going to be disproportionately in the
22 minority.

23 REPRESENTATIVE VEASEY: Yeah. And I want to
24 applaud you for coming up with specific examples of how people
25 were intimidated in Waller County and Bell County and Bowie



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1 County recently, not something like you said from yesteryear,
2 but something recently, and not just innuendo and rumor.

3 I have an e-mail right here that was sent to me
4 last election cycle that had gone out to Republican voters and
5 tea party types from the executive director of the Tarrant
6 County Republican party saying, "If you think voter fraud
7 doesn't happen in our area, think again. We need poll watchers
8 in Democratic precincts. Some of these locations are not very
9 safe areas. So this is not for the timid." And once again,
10 those types of things are rumor. That's innuendo. There's
11 nothing concrete, like what you pointed to today, and I just
12 think that, as far as bringing Texans together, that sort of
13 rumor and innuendo, those are the types of things and sort of
14 generalizations that people have been making about minorities
15 and voting since reconstruction. And I just think that passing
16 law based on that sort of -- of these sorts of stories is just
17 bad.

18 MR. BLEDSOE: That actually sounds somewhat
19 inciteful to me, but I didn't hear the whole e-mail, but just
20 the whole tenor of that, "This is not a safe area," that is
21 stereotypical and that is trying to get people charged up in a
22 certain way to go into a minority community. So it's a
23 prescription for disaster. So I think that is indeed
24 problematic to do that that way.

25 CHAIRMAN BONNEN: Were there problems in Tarrant



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1 County this election cycle?

2 MR. BLEDSOE: We did. We had some previous
3 election cycles but not this one reported --

4 CHAIRMAN BONNEN: There weren't any this time?
5 Thank you. Represent Aliseda.

6 REPRESENTATIVE ALISEDA: I'm not ready to concede
7 that our statute is any more stringent than Indiana or Georgia's
8 statute. But you make a point that this particular requirement
9 will affect minority communities more than other groups. Do you
10 have any data as to what members of the black community or the
11 Hispanic community do not have one of the prescribed forms of
12 identification or could not get one of the prescribed forms of
13 identification?

14 MR. BLEDSOE: No, I don't have specific data to
15 show that. I will say this, a couple things. Several years ago
16 we presented a study to this body in reference to racial
17 profiling. We submitted several. And one of the things we did
18 is we looked at driver's licenses. We looked at car ownership
19 and things of that nature. And we were able to show that there
20 was disparities in the certain counties that we looked at out in
21 East Texas. And, again, when I mentioned the point about
22 Presidio County, that's just one example. That will negatively
23 impact minorities in that area because of the placement of
24 driver's license sites for you to go and actually obtain a
25 driver's license.



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1 In other words, to say in the statute that you
2 can get a driver's license for free is one thing. But if you're
3 poor, if you're unable to travel, you don't have the ready means
4 of transportation, your life is your immediate environment,
5 that's going to be tough and difficult. But I think that what
6 happened in Indiana and Georgia is they went out and got that
7 data. So they didn't have to get interest groups or others to
8 come and get the data. They had the data to show what the
9 current circle was and what the new circle would become.

10 REPRESENTATIVE ALISEDA: This particular or
11 something very similar requirement for voter identification has
12 been something pending before the legislature for several years
13 now. And, you know, I'm surprised that here we are in 2011, and
14 we do not have individuals coming forward and saying, "I do not
15 have an identification. I cannot get an identification." I
16 live in Bee County. Do you know where Bee County is, sir?

17 MR. BLEDSOE: I've been there. Tried cases
18 there.

19 REPRESENTATIVE ALISEDA: It's South Texas, 90
20 miles from San Antonio, 56 miles from Corpus Christi. If we did
21 not have a driver's license facility in our county, in our small
22 county seed of 13,000, we have available free or almost free of
23 charge, rural transportation to take you to Corpus Christy to
24 get whatever it is you need, to take you to San Antonio,
25 whatever you need. And that's available to anyone, regardless



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1 of their financial status. It costs them a dollar to ride the
2 rural transportation system to Corpus Christi. All they have to
3 do it call and make an appointment. They'll come and pick them
4 up, even if they have a handicap. They have accessibility that
5 way.

6 So I'm having a hard time understanding how it is
7 that we can make these representations that these
8 identifications are going to impact the minority community more
9 than any other community when we have things available to remedy
10 that. And we've had this thing pending for years and years and
11 I have yet to see a witness -- I assume we may have one later, I
12 don't know -- that is going to come forward and say, "I am not
13 going to get an ID and I can't get an ID."

14 MR. BLEDSOE: And I think the point -- and let me
15 say here, I think number one is as you've challenged us, I would
16 encourage you to challenge other people to produce people who
17 have misrepresented who they were and to produce instances of
18 examples of people who were not -- who manipulated the system
19 and voted fraudulently because that doesn't exist. So just like
20 the point of challenging us to produce someone. But now what
21 we're saying is, we're saying people -- we're saying most of the
22 people that are going to be impacted have limited means. And
23 when you say that Bee County has certain kinds of
24 transportation, that doesn't mean that the other 253 counties in
25 the state have the same kind of transportation. And we're not



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1 saying that people would not be eligible to get identification.
2 We're saying that it's difficult. And, you know, one man's
3 dollar is another man's thousand dollars. So when you have
4 people on fixed incomes, budgets, limited circumstances, we
5 can't begin to preach and to say how easy it would be for them
6 to be able to get transportation and to go to where they need to
7 be.

8 Plus, it needs to be education, because we need
9 to be able to reach out to identify people and let those people
10 know that you're no longer going to be able to vote. So there's
11 going to have to be tentacles that reach into the community to
12 get those people to know that they should go and affirmatively
13 take steps to go and get the identification. That's going to be
14 another requirement.

15 REPRESENTATIVE ALISEDA: Well, does not the
16 statute provide for substantial education?

17 CHAIRMAN BONNEN: Correct, it does. Thank you.
18 I think Represent Harless has a question.

19 REPRESENTATIVE HARLESS: Thank you for being here
20 today, Mr. Bledsoe. You have such a smoothing voice that even
21 when I disagree with you, I can't help but smile. I wanted to
22 ask you, did you have an opportunity to read the committee
23 substitute?

24 MR. BLEDSOE: I have not. I have been briefed on
25 the committee substitute, but I haven't actually sat down and



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1 read it, but I have been briefed on it.

2 REPRESENTATIVE HARLESS: Okay. You mentioned
3 earlier about a problem with a name, like an initial or a
4 different last name. There was provisions made in the Senate
5 bill and also in the substitute that would allow that. So I
6 want to rest your mind that if somebody shows up and their name
7 is very similar and they sign an affidavit, they will be able to
8 vote.

9 The other thing is did you have an opportunity to
10 listen to the testimony in the senate hearing on SB14?

11 MR. BLEDSOE: I was there for most of the day.

12 REPRESENTATIVE HARLESS: Did you testify on that?

13 MR. BLEDSOE: Yes, I did.

14 REPRESENTATIVE HARLESS: There was
15 representatives from Indiana and Georgia, and we have some here
16 today as well. And they testified that the percentage of voter
17 turnout increased after the passage of this law. And I wanted
18 to mention, when you talk about this bill being different from
19 Georgia and Indiana, this bill is tailored along the Indiana
20 law, and in upholding the Indiana's photo ID, the U.S. Supreme
21 court stated, "Confidence in the integrity of our electoral
22 process is essential to the functioning of our participatory
23 democracy. Voter fraud drives honest citizens out of the
24 democratic process and breeds distrust in government. Voters
25 who fear their legitimate votes will be outweighed by fraudulent



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1 ones will feel disenfranchised." Do you know of what percentage
2 of the registered voters actually turned out to vote in the
3 general election in 2010?

4 MR. BLEDSOE: I do know that the numbers of
5 overall minority vote was lower. I can't stand here and cite
6 for you the actual number, but I do know it was lower than in
7 the past in terms of the percentage of the vote that was
8 minority. I do know, like in Harris County, I think the Latino
9 vote was extremely low in that county.

10 And I know that when you say that in Indiana or
11 Georgia that the numbers went up, you have an apparition. You
12 have the candidacy of Barack Obama that throws off and skews all
13 the figures. So you have to take other elections to look at to
14 have an appropriate --

15 REPRESENTATIVE HARLESS: Even though neighboring
16 states like Mississippi did not have an increase in turnout in
17 2008, even though Georgia did and Mississippi does not have a
18 photo ID?

19 MR. BLEDSOE: And I haven't looked at the
20 Mississippi figures, and I don't know that you can say that
21 there is a one 100 percent correlation. But I think you can
22 clearly say that it's very clear that there is a dominant theme,
23 and that is that minority turnout was much higher in 2008 than
24 it was in other places. And it may be that one can cherry pick
25 and find, well, this state didn't have a higher turnout. That



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1 could be an apparition to other reasons. I think we need to
2 look at what the minority voter turnout was in Mississippi and
3 see if that was higher than in 2004. And I would suggest it
4 probably would be.

5 And I know we look at -- I was at a seminar the
6 other day, and they said that in Obama's Candace /SEU 1 out of
7 11 whites voted for him in Alabama, 1 out of 10 in Mississippi,
8 1 out of 7 in Louisiana, but in Texas he received 35 percent of
9 the white vote. But you can see the disaffection in some of
10 those communities, like when you mentioned Mississippi. There
11 may be other reasons why there was not a greater voter turnout.

12 REPRESENTATIVE HARLESS: I want to mention that
13 I'm very confident that this bill will meet the test of the U.S.
14 Supreme Court and also for pre- clearance because there are
15 certain standards that they've asked that be upheld, and that is
16 that the bill deters and detects fraud, that it protects public
17 confidence in the election, that it counts only eligible voters'
18 votes, and also provides access for free ID, allows for
19 provisional ballots and in ballot absentee ballots and ensures
20 obtaining a photo ID is no more burdensome or inconvenient than
21 the actual act of voting. And we also provided exemptions for
22 elderly, disabled and indigent. So I'm very confident that our
23 bill meets these standards. And thank you so much for being
24 here today.

25 MR. BLEDSOE: You're quite welcome.



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CHAIRMAN BONNEN: We're down to only a few minutes here before we need to break for session. Representative Gutierrez, do you have -- you don't have to but -- Representative, Veasey.

Thank you, Mr. Bledsoe. We appreciate your testimony here today.

MR. BLEDSOE: Chairman, thank you very much.

CHAIRMAN BONNEN: Thank you. Give me a public witness. We're going to do one more public witness. They have three minutes, and that way we'll keep moving. Chair calls Colleen Vera, retired teacher, here to testify for the committee substitute Senate Bill 14. You have three minutes.

MS. VERA: My name is Colleen Vera. I represent myself, and I am for the committee substitute. I am a native Texan and retired Texas teacher. I volunteered to work as a poll watcher during the early voting in 2010. In that one day I witnessed two situations that I would like to share with you. First, I observed a voter who showed the election clerk two voter registration cards, and she said, "They had me down with two names." Both cards had the same address, but the first card had the voter's legal name and the second had her nickname. Because the voter was an honest citizen, she showed both cards to the clerk and the clerk used one with the voter's legal name. Had the voter been dishonest, it would have been very simple for her to vote twice.



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1 Second, I observed a voter who spread out
2 multiple voter registration cards like a deck of cards. She
3 said, "Which one do I use here? They always send me extras."
4 The clerk told the voter she would have to decide. So the voter
5 handed the clerk one, the clerk confirmed the registration and
6 she proceeded to vote. Again, had she not been an honest
7 citizen, it would have been very easy for her to vote more than
8 one time.

9 It is remarkable to me that in the year 2011,
10 with the growth of technology, that we are even questioning the
11 need for photo ID for something as important as voting. We all
12 know how prevalent identity theft is, and the State of Texas
13 should be doing everything in its power to prevent identity
14 theft in voting.

15 In my opinion, the easiest way to prevent fraud
16 is to provide photo ID from a government issued source. I have
17 read the arguments that requiring a photo ID to vote
18 discriminates against the elderly, the disabled, and the poor.
19 So just like I taught my students to do, I went online and did a
20 little research of my own.

21 Did you know that if you go to Medicare.gov
22 you'll find a document No. 11343 that states the first time you
23 use your new Medicare prescription drug plan you need to bring
24 to the pharmacy your Medicare card and a photo ID such as a
25 state driver's license or a passport? Then I searched the Texas



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1 Health and Human Services Commission to find Form M5017 which
2 lists the documents you need to send with applications for food
3 stamps, temporary assistance for needy families, medical
4 assistance or Medicaid for elderly and people with disabilities.
5 They all require a valid driver's license or Department of
6 Public Safety ID card to even apply.

7 This shows that the State of Texas already
8 requires photo ID to apply for social services for the elderly
9 and people with disabilities. So I do not see how anyone could
10 reasonably argue that the same photo could not be used to insure
11 proper ID for voting. Thank you for your time.

12 CHAIRMAN BONNEN: Thank you for your time. Any
13 questions, members? Thank you. Appreciate your being here.

14 Members, at this time the chair would like to
15 withdraw the committee substitute to Senate Bill 14, and I will
16 leave Senate Bill 14 pending before the Committee. And it's the
17 Chair's intention to, as reasonably quickly after session ends,
18 reconvene the Committee and begin hearing the witnesses again,
19 when session is in recess. So the Committee stands in recess.
20 Thank you, members.

21 (Recess)

22 CHAIRMAN BONNEN: Voter identification and voter
23 fraud is now called to order, and the clerk will please call the
24 role.

25 CLERK: Bonnen?



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1 CHAIRMAN BONNEN: Here.

2 CLERK: Veasey? Hilderbran? Hochberg?

3 REPRESENTATIVE HOCHBERG: Here.

4 THE CLERK: Pena?

5 REPRESENTATIVE PENA: Here.

6 THE CLERK: Taylor? Gutierrez? Harless?

7 REPRESENTATIVE HARLESS: Here.

8 THE CLERK: Aliseda?

9 REPRESENTATIVE ALISEDA: Here.

10 CHAIRMAN BONNEN: And Mr. Gutierrez is present.

11 THE CLERK: Gutierrez?

12 CHAIRMAN BONNEN: Perfect. He's present. Good.

13 Quorum is present. And just for those of you in the audience

14 who are watching, we're at a particularly busy time of session.

15 And so this is a very important issue to all the members, but I

16 know like Representative Hochberg is doing appropriations and

17 public ed, and I know Representative Harless, I don't know if

18 y'all have redistricting today. But you will see the members

19 coming and going. It's not due to a lack of interest or concern

20 for the issue. But we at this point in session we're usually

21 scheduled to be, if we're lucky, at least three places at one

22 time. So that's where you'll see members coming and going. And

23 we appreciate your understanding.

24 The Chair lays out Senate Bill 14 by Senator

25 Fraser as pending business. Representative Harless offers up a



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1 committee substitute that will be laid before the Committee to
2 Senate Bill, and we will now resume taking testimony on the
3 Committee substitute to Senate Bill 14. And we will begin back
4 with our expert witnesses.

5 Brian Kemp, the Georgia Secretary of State, is
6 here representing himself as an individual and he is testifying
7 neutral on the committee substitute to Senate Bill 14. Welcome
8 from Georgia. We appreciate having you here.

9 MR. KEMP: Thank you, Mr. Chairman and Members of
10 the Committee. It's great to be back in Texas. I appreciate
11 you having me here today. As the Chairman said, I am Brian
12 Kemp, the Georgia Secretary of State.

13 I wanted to quickly just give you some background
14 information on myself so you'll know where I'm coming from on
15 this issue.

16 CHAIRMAN BONNEN: Mr. Secretary, I apologize for
17 the interruption. Just so you know, the expert witnesses are
18 being given ten minutes.

19 MR. KEMP: Okay. Very good. I am a proponent of
20 photo ID legislation; however, I do not come to Texas to try to
21 tell you-all how to legislate. I simply am coming to provide
22 information about what we have with done in Georgia, our process
23 and how our law has been implemented. And I hope this will help
24 you as you consider this legislation.

25 I was in the Georgia Senate back in 2006, when



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1 our photo ID bill passed. So I have the experience of going
2 through some of the same type of experiences that you are all
3 going through now. And with that I'll give you a little bit of
4 background information on our legislation.

5 In 2006 we did enact Senate Bill 84 which
6 requires voters who cast their ballot in person to present one
7 of six forms of acceptable photo identification. They are a
8 Georgia driver's license, even if expired, a valid state or
9 federal government issued ID including a free voter ID card
10 issued by the voter's county registrar or the Department of
11 Driver Services, valid U.S. Passport, a valid employee photo ID
12 of any branch, department, agency or entity of the U.S.
13 Government, Georgia or any county, municipality, board,
14 authority or other entity of the State, a valid U.S. military
15 photo ID or a valid tribal photo ID.

16 If a voter does not have photo ID or forgets to
17 bring their photo ID to the polls, they still can cast a
18 provisional ballot. The voter then has until the Friday after
19 election day to obtain acceptable form of photo ID and return to
20 their county elections office to have their vote counted. No
21 voter is ever turned away from the polls because they do not
22 have acceptable photo ID.

23 The Secretary of State's office implemented a web
24 site, GeorgiaPhotoID.com, to educate Georgia voters about the
25 photoed ID requirement for in-person voting, the free voter ID



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1 card for voters who do not have a voter ID, the free photo ID
2 card available at the Department of Driver Services. The web
3 site also contains flyers, posters, and brochures about
4 Georgia's photo ID requirement that users can print and
5 distribute.

6 I want to talk a little bit about our outreach
7 and education. We conducted a statewide multimedia outreach and
8 education campaign to inform Georgia voters about all facets of
9 the photo ID requirement. The campaign was conducted prior to
10 six elections between September of 2007 and November of 2008
11 general election. We mailed out over -- or we did direct mail
12 and utility bill inserts over five million pieces. We had
13 packages of photo ID materials to nongovernment agencies, like
14 chamber of commerces, churches and libraries. There were 633
15 packages, over 57,000 pieces. We did 83,000 automated phone
16 calls, 1,200 video PSAs, over 60,000 radio PSAs, and the office
17 issued over 70 press releases.

18 The highlights of the campaign were the radio ads
19 with Then-Secretary of State Karen Handler and Atlanta Falcons
20 players. The PSAs increased awareness of the requirement, voter
21 registration deadlines and early voting option. Also we
22 advertised at the Atlanta Falcons' home games on their LED
23 banners. We did radio ads that were purchased statewide on
24 Clear Channel. And there were 400 ads that were placed inside
25 Atlanta's Marta busses to remind riders of the photo ID



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1 registration.

2 The free identification cards that we offered, I
3 wanted to just go through the numbers real quick on those. In
4 2006 we issued about 2,200 free ID cards, 4,200 in 2007. 2008,
5 the presidential year, we issued over 12,000. We had about
6 2,500 in 2009, 2,700 in 2010. And then when you count the
7 thousand or so that the Department of Driver Services issued,
8 the grand total was about 25,000 free photo IDs in a state of
9 bumping ten million people that were issued. And 51 percent of
10 those were issued in 2008, on the presidential year.

11 To obtain the free photo voter ID card, there's
12 four things that you have to do. You've got to provide a photo
13 identity document or prove non-photo identity document that
14 includes full legal name and date of birth, and you must
15 document the voter's date of birth and evidence that the
16 applicant is a registered voter and documentation showing the
17 applicant's name and the residential address.

18 I've actually got three pages of details about
19 this process that I will submit to the Committee, and I will be
20 glad to answer questions at the end of the remarks, if there are
21 any, regarding this process. It's just a lot of information
22 that you could probably get more from just looking at yourself.

23 I wanted to -- I thought it would be important to give
24 you an analysis of the votes that were cast in Georgia
25 elections. More than 14,630,000 votes have been cast in 35



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1 state and federal elections in Georgia since 2007, when the
2 photo ID was first required for in-person voting. These figures
3 do not include municipal and county elections, which are
4 administered locally in Georgia.

5 Additionally, the 2008 elections were the largest in
6 Georgia's history, featuring record turnout among minority
7 voters with the photo ID requirement in place. The following
8 figures represent voter turnout statistics among Hispanic
9 Latino, African-American and white voters from the 2004 and 2008
10 elections.

11 In 2004 there was 18,000 Hispanic Latino votes cast.
12 In 2008 there was 43,000, a 140 percent increase. The
13 African-American vote in 2004 was 834,000. In 2008 it was 1.2
14 million, a 42 percent increase. The white vote in 2004 was 2.3
15 million and in 2008 it was 2.5 million, an 8 percent increase.

16 Also, I wanted to give you some statistics on
17 provisional ballots that have been cast when the voter lacked
18 photo ID and how many voters returned with photo ID to have
19 their ballots counted. Voters who had voted provisionally
20 because they lacked photo ID in the November 4th general
21 election, there was about 1,200 out of almost 4 million votes
22 cast. The voters who returned, of those 1,200 and provided the
23 photo ID was 308. And there was 873 voters who did not return
24 to clear up their provisional ballot.

25 In the December 2nd runoff for that general



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1 election there was 271 provisional ballots because they lacked
2 photo ID out of 2.1 million votes cast. 82 of the 271 returned.
3 So there was 189 that did not clear the provisional ballot up.

4 In the November 2nd, 2010 general election there
5 were 381 provisional ballots because of lack of photo ID out of
6 2.5 million cast. Of the 381, 108 returned to clear those up
7 and there was 272 that did not. In that runoff, November 30th,
8 2010 there was 35 provisional ballots out of about 265 that were
9 cast. 6 of those 35 returned. 29 did not.

10 We can't know for sure why those that, you know,
11 don't come back to clear it up -- some of the thoughts on that
12 is the outcome of the election was not in doubt in those
13 elections. So they just didn't bother to come back because they
14 knew their vote, while it would count, it wouldn't matter in the
15 end results. Obviously, they could have been attempting voter
16 fraud or they simply didn't realize that they had to have a
17 photo ID to vote, and even though they could have come back and
18 gotten a photo ID in the three days after the election, they
19 elected not to do that. And we are still very vigilant about
20 making sure voters are aware of the photo ID requirement before
21 all of our state and federal elections, and we do that through
22 our office.

23 The total votes cast in person versus by mail in
24 the past two general elections, in 2008, the November general
25 election, we had about 3.6 million voters in Georgia and 91.2



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1 percent voted in person. We had about 350,000 mail-in ballots,
2 and then for a total of just under 4 million votes.

3 The run off on December the 2nd, there was almost
4 two million votes cast in person. That was about 90 percent of
5 the vote. There were 216,000 mail-in ballots for a total vote
6 of just over 2.1 million total.

7 CHAIRMAN BONNEN: Mr. Secretary, I apologize, but
8 your ten minutes are up. I'd like to begin asking you a couple
9 questions, but I'd like to hear the rest of those numbers.

10 MR. KEMP: Okay. The November 2nd, 2010 general
11 election, we had 2 -- well, almost 2.5 million votes. 93.4
12 percent of those were in person. And then the November 30th
13 runoff there was 265,000 votes cast and about 81 percent of
14 those were in person.

15 CHAIRMAN BONNEN: Also, I want to make sure I
16 understand. On the numbers of the provisional ballots -- and
17 the numbers are somewhat unimportant in this question. You said
18 there were 308 that came back the one time and 108 that came
19 back and were cleared. I guess my question is of those that
20 came back are you saying all were cleared?

21 MR. KEMP: No, sir. In the 2008 general election
22 there were about 1,200 provisional ballots that were cast
23 because of lack of photo ID. 308 of those 1,200 came back and
24 showed their photo ID and had their vote counted. And then --

25 CHAIRMAN BONNEN: I guess that's what I'm trying



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1 to understand. Did more than 308 return, but they did not
2 return with proper ID?

3 MR. KEMP: No. The rest of them just did not
4 return at all.

5 CHAIRMAN BONNEN: So 308 people actually
6 returned, and every one of the ones who returned had their vote
7 counted?

8 MR. KEMP: Yes.

9 CHAIRMAN BONNEN: So there wasn't a single person
10 who showed back up and didn't have their vote counted?

11 MR. KEMP: As long as you show up back up by
12 close of business on the Friday following election and show your
13 photo ID, your vote will be counted.

14 CHAIRMAN BONNEN: So again, to be clear, no one
15 showed back up and, in turn, didn't have their vote counted? If
16 they came up, they showed their ID, their vote counted. And
17 those who chose not to return, you don't know why they didn't or
18 what they didn't, but had they shown up with an ID, their vote
19 would have counted?

20 MR. KEMP: That's correct.

21 CHAIRMAN BONNEN: And that was the same thing in
22 2010. You had 108 showed back up. Each one of the people who
23 showed back up had a proper ID, and you, in turn, counted them?

24 MR. KEMP: That's correct.

25 CHAIRMAN BONNEN: You had talked about the very



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1 positive educational opportunities y'all created using Atlanta
2 Falcons football team and things. How much did the State of
3 Georgia spend, do you know, on the educational programs?

4 MR. KEMP: Yes, sir. I just didn't quite get to
5 that.

6 CHAIRMAN BONNEN: That's okay. You had a limited
7 amount of time.

8 MR. KEMP: On the cost -- give me just a second
9 here. In 2006 our initial contract was \$589,000. That contract
10 included one photo ID system per county where people could go
11 get their free photo I D. The installation and training of
12 personnel, the production quantity updates, encryption service,
13 a one-year system warranty, and the production of 10,000
14 permanent voter ID cards.

15 The annual cost and training from 2008 to 2010
16 was about \$170,000. The elections personnel online training was
17 about \$15,000. So that grand total comes to about \$773,000.

18 And then we also did the outreach and education
19 campaign, which was, you know, the advertising and those type
20 things. We spent about 842,000 on that.

21 CHAIRMAN BONNEN: Did that include -- I
22 apologize. Sorry to interrupt you.

23 MR. KEMP: And that brought the total cost from
24 all of this to about \$1.6 million.

25 CHAIRMAN BONNEN: Did the \$842,000, did that --



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1 I'm assuming y'all had to pay to have it included in the
2 electric bills or did the electric companies do that --

3 MR. KEMP: I'm not exactly sure what the -- how
4 -- the exact number for those costs. I think the utility
5 probably just let us put that copy in their -- without charging
6 us postage costs. I can verify that for you, Mr. Chairman.

7 CHAIRMAN BONNEN: Okay. So you spent 770 -- the
8 State of Georgia spent \$773,000 on education, outreach, and free
9 IDs, correct?

10 MR. KEMP: Well, the 773 was on the system to
11 produce the free photo ID, that initial contract and the
12 training.

13 CHAIRMAN BONNEN: Then 842 was, in essence, the
14 marketing campaign?

15 MR. KEMP: That's right, outreach and education.

16 CHAIRMAN BONNEN: Representative Hochberg has
17 questions.

18 REPRESENTATIVE HOCHBERG: Can I just follow up on
19 a couple more details on that specific question. The 842,000
20 was over what period of time? Is that this four-year period
21 that you mentioned?

22 MR. KEMP: Let me see. I think that was through
23 2010.

24 REPRESENTATIVE HOCHBERG: 2006 through 2010. So
25 that's a total number?



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1 MR. KEMP: Yes.

2 REPRESENTATIVE HOCHBERG: And do you anticipate
3 continuing that before other elections or is this is a one-time?
4 What's your plan?

5 MR. KEMP: I think that was pretty much --
6 actually, I think we did that from 2007 through the 2010
7 elections, I believe. So we're really not -- we've had a pretty
8 aggressive campaign. We still have the web site. We still have
9 the information on our web site. We do press releases before
10 all the elections, reminding people. But we're really not doing
11 much outreach now. And I think the reason why is because we've
12 only issued 25,000 free IDs, and a lot of the naysayers of the
13 legislation said there would be 60,000 or 80,000 or some big
14 number. We just didn't see the demand there.

15 REPRESENTATIVE HOCHBERG: Parts of the
16 advertising is about bringing your ID to the polls, or was it
17 just for the free ID outreach?

18 MR. KEMP: It was both. It was to make people
19 aware that they had to have a free photo ID to vote in person,
20 but also if they didn't have one, we can get you one.

21 REPRESENTATIVE HOCHBERG: Excuse me for asking
22 the question I should know the range on: How many people in
23 your state, or how many voters?

24 MR. KEMP: We've got about 10 million people in
25 the state now and about half of those, a little over 5 million,



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1 are registered voters.

2 REPRESENTATIVE HOCHBERG: About 10 million total
3 people. That's not voting age?

4 MR. KEMP: Right.

5 REPRESENTATIVE HOCHBERG: How many eligible; do
6 you know?

7 MR. KEMP: I'm not sure about the eligible.

8 REPRESENTATIVE HOCHBERG: You've got about 5
9 million registered?

10 MR. KEMP: We can get that number for you too.

11 REPRESENTATIVE HOCHBERG: I'm just trying to make
12 sure that I know what the numbers are that I'm writing down.
13 And just from the standpoint of your media campaign, you've got
14 basically one large media market, and then where do you go other
15 than Atlanta?

16 MR. KEMP: Well, Atlanta is the major TV market,
17 but there's also a TV market in Augusta, which is on the east
18 side of the state, Columbus, Macon and Savanna. And there's a
19 little bit of one in Albany, which is southwest Georgia, but
20 those are really very minor compared to the Atlanta market.

21 CHAIRMAN BONNEN: Representative Harless has
22 questions, and then after Harless, Representative Gutierrez and
23 then Representative Watson.

24 Representative Harless.

25 REPRESENTATIVE HARLESS: I know you had some



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1 delays, and we appreciate you making it here today. When you
2 talked about your elections from September 2007 until 2009, you
3 said six elections.

4 MR. KEMP: No. We've -- well, that was -- I
5 think the outreach that we did during that time was before those
6 six elections. But total since the bill has been implemented, I
7 think we've had 35 elections.

8 REPRESENTATIVE HARLESS: Y'all have a lot of
9 elections.

10 MR. KEMP: We do, and that number probably pales
11 in comparison if you count municipal elections and county
12 elections because there's a lot of those that go -- a lot of the
13 municipal elections are in off years from the state and federal
14 elections. And then there's special elections. There's special
15 local office elections. But we do have a lot of elections.

16 REPRESENTATIVE HARLESS: When you talked, you
17 serve as the Secretary of State now, but you served in the
18 Senate when your voter photo ID passed. What was the specific
19 reason that the Georgia legislature felt like this was important
20 to pass?

21 MR. KEMP: Well, I think just securing our
22 elections, continuing to make them more secure. And, you know,
23 when I was in the senate I was in a very tough district. It was
24 kind of a 50/50 district. And, you know, quite honestly, this
25 was an issue. I knew I'd have a lot of people in my district



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1 that were for it and a lot were against it. And there was, you
2 know, obviously heated and mostly partisan debate in the
3 legislature. But I'll tell you that since it was passed, when I
4 got back home, when I was in the Senate and having campaigned
5 over the last two years statewide, you know, the wide majority
6 of Georgians support showing a photo ID when you go vote. And
7 the reason we did it was just to continue to keep our elections
8 secure.

9 REPRESENTATIVE HARLESS: Can y'all tell me why
10 y'all chose the two-day cure because our legislation has the
11 six-day cure in there for the provisional ballot. Why did you
12 choose a two-day cure?

13 MR. KEMP: I can't remember the specifics of that
14 debate. I think it was mainly like we felt that three days was
15 reasonable for the people to solve the problem if they left
16 their ID at home or they didn't have one, where they could go to
17 their county registrar and get it. And I think it all -- in
18 today's technology, people get mad if we don't have election
19 results 30 minutes after the polls close from somewhere. So,
20 you know, people are wanting -- and then as soon as it's over
21 they're wanting us to certify before we get military ballots
22 back. But that's the requirement we have for our military
23 ballots and our provisional ballots is close of business on
24 Friday.

25 REPRESENTATIVE HARLESS: You'll see this is a



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